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Press and Dakotaian
—ESTABLISHED 1861—
WEEKLY EDITION
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ADDRESS
BOWEN, & KINGSBURY
YANKTON, - - DAKOTA
Thursday, February 6, 1879

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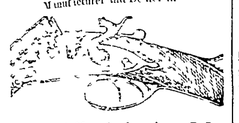
Manufacturer and Dealer in

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Pine Lumber,
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Which will be furnished in any quantity desired
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ACADEMY OF THE SACRED HEART
YANKTON, DAKOTA
This Academy is under the direction of the Sisters of Mercy
The course of studies at this institution includes the usual branches of a good, useful education, embraces
Music, Drawing, Painting, Plain and Fancy Needle Work, Wax Fruit and Flowers, &c, &c
The next session commences the first week in September and the first week in February
Each boarder will come provided with Table-spoon, Knife and Fork, Silver Spoon Goblet Bed, Work Basket and have her clothing marked in full.
All Payments to be Made in Advance
TERMS PER SESSION
Board and Tuition including Vocal Music in Class, Needle Work, Bed and Bedding $80 00
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Music 30 00
Singing Lessons 10 00
Drawing 10 00
Painting 10 00
Painting in oil 10 00
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10 00

Press and Dakotaian.

Volume 17. YANKTON, DAKOTA TERRITORY, THURSDAY, FEBRUARY 6, 1879. Number 42.

"Existing circumstances" is what prevents the Deadwood Times from publishing "a long letter from Yankton written by a friend" Can it be that the Times has rid itself of a barnacle?

The Canton News is opposed to the repeal of the usury law, deeming it unwise and unsafe to remove the safeguards which are deemed necessary in the states to protect the borrowers from the unbounded greed of one class of money lenders"

The Gary Inter State demands that the counties of Deuel, Grant, Codington and Hamlin be recognized in the forthcoming apportionment There is no doubt but that the demand will be complied with, because it is a reasonable one

The interior department has received information confirming the report from Cheyenne agency, which stated that Sitting Bull was on this side of the boundary line with all his forces, and is bent to organize a grand gathering of all the hostile forces

There are indications at Washington that the income tax will be revived as a necessary means of replenishing the treasury after the drain which will follow the payment of pension arrearages It is thought that congress will not this session make any appropriation for pension payments

Senator Terry has introduced into congress a pantin bill which provides that all able bodied male citizens between the ages of 18 and 45 years, resident within the respective states and territories, shall constitute the militia The militia are to be divided into two classes, the national or state guard as the legislature of each state may prescribe, and the inactive, to be known as reserve militia. The bill proposes to appropriate $1,000,000 for the purpose of providing arms, ammunition, &c

The memorial to congress introduced by Hon John Q Burbank, of Richland county, into the lower house of the legislature, contains a great many convincing points, all of which are well put Each year of Dakota's experience demonstrates the impracticability of continuing it as a whole The territory is much too large and contains too many diverse interests to admit of the possibility of reducing them to that state of harmony which is necessary to our future prosperity and happiness Thus far we have managed to progress as a unit through the earnest endeavors of those who have been sent to the capital to represent the people of various localities and through their disposition to endure the evils they could not cure But this spirit of forbearance cannot exist always It is in the nature of things that it should not and natural laws must be recognized in the creation of states and territories as well as in the minor transactions of life We publish Mr Burbank's memorial in this issue and ask for it a careful reading, to the end that that which is best for the people may be urged and insisted upon by the people

A great many seizures of empty cigar boxes on which the stamps remain uncancelled are being made all over the country by revenue officials and for the guidance of the public we publish the following section of the revenue regulations which bears upon the subject Sec, 33 of the act of June 6 1872 provides as follows:

That whenever any stamped box containing cigars cheroots, or cigarettes, shall be emptied, it shall be the duty of the person in whose hands the same may be to destroy utterly the stamp or stamps thereon And any person who shall willfully neglect or refuse so to do shall, for each such offense, on conviction, be fined not exceeding fifty dollars and imprisoned not less than ten days and not more than six months And any person who shall fraudulently give away or accept from another, or who shall sell buy or use for packing cigars, cheroots, or cigarettes, any such stamped box, shall for each such offense, on conviction, be fined not exceeding one hundred dollars and be imprisoned not more than one year"

Orders have been recently issued from the revenue department to collectors to see that this section is fully enforced A little scratching of stamps may save much trouble and expense

The report of the four members of the joint congressional committee who favor the transfer of the Indian bureau to the war department, and who comprise one half of that committee, is a decided document in its expressions It says that the history of governmental management of Indians and the treatment Indians have received from the government is "a shame and a mortification to all right thinking and liberal minded men" It further recites that "a proper solution of the Indian problem is pressing itself more strongly upon public attention every year, and is demanding the immediate attention of congress, and cannot, with either safety to the Indians or the honor of the government, be longer delayed" The report goes on to specify numerous instances of fraud and mismanagement, such as we are all familiar with, and declares that failure and wrong have characterized every step taken by the government to remedy existing evils The report concludes as follows

We believe the interests of the government and the good of the Indians will be best promoted by transferring the management of Indian affairs to the war department, leaving it discretionary with the secretary of war to appoint civil agents to those agencies which, in his judgment, the interest of all concerned will be best secured by such agent, and officers of the army where the interests of the service require it

So much has been said and written about the management of Indians that the public has been induced to look upon the subject as a problem which requires the most weighty consideration and the employment of the best talent the country can afford From the standpoint of one who lives upon the frontier, we cannot so view it There is no complex problem in it If the government will appoint men with a practical knowledge of Indian management to the management of Indians, the rest of the work will be easy enough The first great item in the so called Indian problem is how to feed and how to clothe the Indians The government furnishes the food and the clothing, and it now needs men with the ability and honesty to perform the purely routine labor of distributing these articles The war department, which for years fed and clothed its hundreds of thousands of soldiers has proved its capacity to perform this duty With the Indians well fed and well clothed, and as a consequence well satisfied with their lot, we would have a sure foundation for civilizing efforts which would speedily take shape in the hands of the practical military men of the frontier who understand the Indian nature completely.

The Elk Point Courier asks the question, and we undertake to reply from our understanding of the subject The Courier says

Just what the object of the legislature was in repealing the section in the code requiring notaries public in taking the acknowledgment of the transfer of real estate to inform the wife of the contents of the instrument out of the presence of her husband, we fail to see The old law on the subject was as good as could be asked It protected women from being swindled by profligate husbands, and gave them a means of defense and protection that now seems to be taken from them Many of the women of Dakota have come here with their husbands for the purpose of getting homes, and as many of these men roam from place to place, the women need some laws to protect their rights and the homes they seek to hold If there be any virtue in the repeal of the old law, we fail to see it

Although the bill referred to by the Courier had not passed the legislature at the time the foregoing was printed, it has since gone to the governor of the territory for his signature It was once killed in the house, and taken up again on a reconsideration motion, after the members thereof had received in understanding of its provisions through the explanatory efforts of Mr Gamble The objections to the law as it stood, are

1st—that it is entirely unnecessary, for the reason that when a wife goes before a notary to sign a deed, she fully understands its contents, and has fully made up her mind that it is just what she wants to sign A private examination is therefore not only useless, but humiliating to all parties concerned

2d—a majority of the notaries public in the territory fail to comply with this law, through ignorance or through a belief that it is immaterial, and as a consequence a large number of worthless deeds have accumulated, for which hard earned money has been paid

As the requirement is entirely superfluous, and as it is productive of such deplorable consequences, it is deemed advisable to expunge it from the statutes These are the reasons why the legislature has repealed the provision

The government has acceded to say to Sitting Bull that he and his people must surrender as prisoners of war or go back to Canada In case he should refuse to do either what then? But in case of an acceptance of the former proposition, Capt Wessells would be a good man to stand guard over the captives

Dr McGillycuddy has been confirmed as agent of the Red Cloud Indians

SENATOR EDMUNDS PROPOSITION

Washington Jan 27 The following is a text of the proposition by Mr Edmunds to day from the senate judiciary committee as a substitute for the constitutional amendment on the same subject proposed by the joint resolution which passed the house under a suspension of the rules the last day of the session on

ARTICLE XVI No claim against the United States shall ever hereafter be sustained or allowed by congress or any department officer or court of the United States, or money paid by the United States or its officers thereunto, whether as damages, compensation or otherwise from or on account of any property, real, personal or mixed, taken used injured or destroyed by United States troops or by or through any officer civil or military, or other person acting or professing to act under or by authority of the United States or any of its enemies, or taken, used, injured or destroyed from any other cause whatever during the existence of the late insurrection or rebellion against the government of the United States unless the owner thereof and in case of any corporation, its governing authority and management, was during all the time of such insurrection or rebellion loyal in fact to the government of the United States and gave neither aid nor encouragement to the enemy No pension bounty grant, pecuniary indemnity or pecuniary benefit shall ever be given or proceeded for by or under authority of congress or any state for or on account of any military or other service performed or injury suffered in hostility to the government of the United States No pardon or amnesty, past or future, shall have any effect to take any person, case or claim out of the purview of this article

THE PENSION BILL

The Real Position of the Democrats In Connection With the Measure

Washington, Jan 27 —A great deal of disgust is expressed among southern members of the president's approval of the pension arrears bill, particularly because it will prevent the passage of three or four measures in which they are directly interested, while they voted for this only to help their northern democratic colleagues among the soldier element It is now conceded that this bill will take from $30,000,000 to $40,000,000 out of the treasury at a very moderate estimate, and on that account it is conceded that neither the bill to reduce the tax on tobacco, the bill to pension soldiers of the Mexican war, nor the bill to restore to the pension rolls those who were stricken off on account of disloyalty during the rebellion will pass Not one dollar out of the millions that is disbursed under the arrears of pensions bill will go south except to the border states and to colored men who served under the union flag But the other two pension bills alluded to are peculiarly southern measures for the benefit of southern men, as it is a fact that a large majority of the survivors of the Mexican war live in the south, and the reduction of the tobacco tax has been begged for by most every town and village in the south, so that the passage of the arrears bill "to pay out $30,000,000 to $40,000,000 to citizens of the north as a gratuity, is now considered shameful injustice" Southern members say they were led to vote for the bill on representation that its passage by the house would greatly help northern democrats at the next election, and that the bill would never become a law, because it would be amended in the senate and be allowed to die while the two houses were fighting over the amendment One southern member remarked to day that the bill would not have obtained the vote of one southern man in the house had it been supposed it would become a law

THE RIVER AT ST LOUIS

St Louis Jan 28—Considerable more ice floated down from the gorge above the bridge this afternoon, and at one time the whole mass from bank to bank and nearly a mile in length moved and the indications were that it would break up, but it lodged against the bridge piers and now remains there Tugs have been butting at it since, but have made little headway in breaking it up The gorge at and below Arsenal island remains solid and is not likely to move immediately

Two barges belonging to the steamer laden with salt for this city sunk Sunday night about thirty miles below here. The number of steamers, barges, wharf boats, tugs and other river craft in this harbor and along the river front is probably between forty and fifty, but none of them of very great value About 8 o'clock to-night the ice above the bridge started again and came down in a great mass Striking the bridge piers it was broken in pieces and floated through the harbor without doing any damage so far as known As no rise has occurred here it is supposed that the Missouri river ice is still solid A rise of six feet is coming down that river from the Gasconade and it is only a question of a day or two at the farthest as to the opening of the lower end of that river

A MEMORIAL TO CONGRESS

Asking For a Division of the Territory of Dakota on an East and West Line

The following memorial was introduced in the house of representatives on the 27th inst by Hon John Q Burbank, of Richland county, northern Dakota

To the senate and house of representatives of the United States, from the legislative assembly of Dakota territory and against its admission as a state with its present boundaries

Your memorialists, the legislative assembly of Dakota territory, respectfully pray your honorable bodies for the early creation of a new territory out of the northern half of Dakota, bounded as follows viz Commencing at the point on the eastern boundary where the north line of the Sisseton Indian reservation intersects the same, thence along said line to the northwest corner of said reservation, thence southerly along the west line of said reservation to the point where the seventh standard parallel intersects the same, thence west along said standard parallel to the middle of the Missouri River thence up and along the middle line of the main channel of said river, to the 49th parallel of north latitude, thence west along said parallel to the west boundary of Dakota, and thence north on the 27th meridian west from Washington to the 49th parallel of north latitude, thence east along said 49th parallel to the northwestern corner of the state of Minnesota, and thence south and along said boundary to the place of beginning The said division line, as above described, conforms nearly to the 46th parallel of north latitude, but it is upon a line already surveyed, established and marked and will not require a survey of another line, which would cut fractionally all the divisions made by public land surveys This line would also leave all said Indian reservation with a one jurisdiction of the surveys within which do not correspond to the public land surveys

We further respectfully show that our present area is over 150 000 square miles, too vast for convenience, and causing no great expense The communities are widely separated and hold diverse relations, inter-communication is slow and expensive, a trip from the capital to any point in northern Dakota requires the time and cost of a trip to Washington City, it is as far from the southern corner of Dakota to the northeast corner, as from Cairo, Illinois, to the gulf of Mobile, from the south line of Tennessee to near Chicago, Illinois, or from Washington City, to beyond the northern line of the state of Maine To strive no hope for direct lines of inter communication, as all the projected routes are east and west lines, and we are compelled to journey through St Paul, Minnesota

These facts render official administration slow and difficult, put the government out of reach of many of its citizens for all but extraordinary occasions, render it difficult for any but the most wealthy litigants to reach our supreme court with appeals, practically making the lower courts those of last as well as first resort It is difficult to manage our school system, and the care of prisoners and the insane become a heavy burden Some of the long distances for travel and transportation in many ways these difficulties practically deny many large communities the favor and benefits of the government they should have

It is found practically impossible also to adjust our code of uniform laws to the varying wants of our citizens, and all these causes operate to irritate and vex the citizens of remote localities and render impossible the growth of a general public spirit and regard for the welfare of the whole body of the people No common interests are felt, and there is no commonwealth receiving the fidelity of all

We further respectfully show that this condition has long existed, it has grown in cost and difficulty as our settlements have expanded, and no scheme to avoid it can be suggested because it exists in the barriers of nature and is made worse by all commercial and other relations These are now rapidly developing and promise soon to so exaggerate the burden as to compel, so far as is legally possible, the subdivision of our institutions between the two sections or their duplication for each

The same causes steadily in reasing will render statehood of the whole obnoxious to all and we respectfully protest against any acts toward the admission of Dakota as a state with its present boundaries We pray a division that the full blessings of harmonious local government may be vouchsafed to all parts as they have been to other parts and territories of the United States

And further your memorialists will ever pray, &c, &c

A NEW APPORTIONMENT

Gary Inter State

Gov Howard in his message says that congress reduced the number of the territorial council to twelve and the number of representatives to twenty four which necessitates a new apportionment In view of this, we demand, in the name of the people of Deuel, Grant, Codington, and Hamlin counties, that we be embraced in one representative district and in the number of members those counties, and the said counties being the seat of a large immigration the past year,—which will be greatly augmented the coming season—we consider we are also entitled to council representation At any rate it will not do for the territorial solons to wholly ignore and disfranchise this section of the territory, as they did in the last apportionment We did elect a man to present our claims to that body, and it is time for him to act in the matter, if he is to retain his territorial citizenship If he fails to do so, some one from these counties should attend to the matter, as it is important we should secure and have representation in our territorial legislature

THE REUNION LAW

Washington, Jan 26 —There is one point, in the pension arrears bill which it is thought will probably be referred by the interior department for construction from the department of justice The new law says that arrearages on pension shall be paid at the rate for which the soldier was originally pensioned As congress has changed the rate several times, and the latest applicants originally received the largest pensions, the man who gets pensioned now gets a heavy sum in arrearages The totally disabled man originally got $8 per month Now he gets $72 The question, then, in the case of a totally disabled new pensioner is whether he be paid arrearages at the rate of $72 or $8 per month The commissioner will ask congress at once for an appropriation to carry out the law, and that it be made immediately available The additional evidence needed in the cases of those now receiving pensions will be very slight The commissioner will ask a small increase of clerks and that the pension agencies be redistricted without an increase of force

A PAINFUL REMINISCENCE.

St Louis Times-Journal

"Speaking of Dan Able's snoring," said Lieutenant Governor Brockmeyer, with a pained expression, "reminds me of an unfortunate circumstance that occurred here last July during the democratic convention The 'Boonville Belle' boat was expected down, and a party of us intended boarding her here and proceeding by river to Saint Louis Well, we went to bed the usual that night, having left word with the porter to call us when the boat landed Dan Able slept in the same room with us—there were perhaps six of us in all Well, Dan hadn't been in bed more than fifteen minutes before he put out with that deadly, beautiful snore of his, and the porter came bouncing up in great haste to tell us the boat was coming down the river It was some time before we could convince the porter that it was Dan Able snoring, and not the boat And when the boat did come in the porter thought it was Dan snoring, so we all got left People who had traveled with him on the river say they used to gag Dan at night for fear his snoring would wake the boat up and run her against a snag

NEIGHBORHOOD NEWS

Vermillion is proud of its town pump

Real estate matters are on the increase in Canton

There is an "old settlers sewing society" in Vermillion

The round house at Beloit is being built before the depot

Lincoln county warrants are at par, and money in their treasury

Prairie fires are raging on the Nebraska bluffs opposite Vermillion

One man at Canton purchased 2,000 pounds of pork in one day

A number of deaths have occurred during the past week at Swan Lake

A grand ball at Ponca, Nebraska, on the 22d of February, is talked of

Olivet is to have a jail for T G Maxwell will boss the making of it

Mrs Drew's concert at Elk Point was quite largely attended by Poncaites

Dell Rapids new bridge is completed, and now it wants to establish a newspaper

The rates that have been established on the Pembina give general satisfaction

There will be no more Universalist preaching at Elk Point for the present

The first settlement made in Dakota by white people occurred twenty years ago

There will be a grand reunion ball at Treat's hall, New Finlay, January 30th

Peter Larson's house, in Daneville, Dakota, was consumed by fire one week ago

A man in Dakota City, chopped two and one quarter cords of wood in seven hours

Miss Alice Bower, of Vermillion has organized a class in music, in St Helena, Neb

The Woodward family gave a concert in the Episcopal church at Swan Lake on the 17th inst

Iver Bagstadt, a Grayville merchant, is talking of removing to Canton to engage in business

The liquor licenses of Lincoln county brought in a revenue of $579 during the past year

A concert will be given by the Woodward family, of Finlay at that place, some time this week

A squaw one hundred and fifteen years old, belonging to Santee agency, Neb, died last week

A milk cart for the benefit of the citizens of Canton and Beloit is a new and paying institution

School district No 16, Clay county, will build a new school house this spring and invites bids

There is talk of removing the county seat of Dakota county, Nebraska, from Dakota City to Jackson

Rev and Mrs Hurlbutt, of Centerville, have received a donation to the amount of sixty five dollars

Several car loads of coal were disposed of at Beloit Lincoln county, before the cars reached that place

All of the Missouri river exposures are considered unsafe, except that at Douglas's Mills, Clay county

The Canton Advocate is designated to do the entire county printing, except the furnishing of blank books

A very pleasant party occurred at the residence of Vale P Thielman, Swan Lake, on last Thursday evening

A number of valuable head of cattle have been lost near Dakota City, Neb, on account of eating corn stalks

Lawrence and Union counties furnish over one half the insane persons that the territory has to take care of

A social hop will be given in Canton on the evening of January 31st, for the benefit of Beloit and Canton dancers

Richard Grange while crossing the Missouri near Vermillion, broke through the ice but escaped with only a slight wetting

The high school of Dakota City, Neb, gave an entertainment several evenings ago, both entertaining and instructive

Mr and Mrs Chas Goddard, of Swan Lake, gave a very enjoyable concert in the public school building one evening last week

The treasurer of Lincoln county is "ready and willing" to go for all persons who don't pay their taxes So says the Canton News

The flooring of the new ware house at Beloit gave way one day last week, dumping several hundreds of bushels of wheat to the ground

A series of Methodist revival meetings are in progress six miles north of Swan Lake Quarterly meeting will be held on the 29th and 30th

Three miles below Olivet, in a bend of the Jim river is the spot selected by Hon Alfred Brown as grazing ground for an extensive cattle herd

A horse thief attempted to break jail from the Dakota county jail, by heating pieces of iron and burning the nails out in the oak pieces overhead

There is soon to be an interesting joint discussion between the members of the "Beloit Monday night club" and the Canton young men's lyceum

Among the manufacturing institutions of Vermillion is the broom factory It turns out about fifty brooms a day, and will enlarge as fast as possible

Capt Mix, of Green Island, Neb, while crossing the Missouri near that place accidentally walked into an air hole, and came very near being drowned

Sioux City Journal "The Journal received twelve Dakota newspapers, yesterday, and accepted the fact as suggestive of Dakota's growth and prosperity"

The Sioux Valley News feels good because its members have been placed upon the most important legislative committees We all feel good about it

Elk Point Courier J S Teller was indicted by the grand jury on two counts for selling liquor on Sunday He pleaded guilty, and the court fined him $79 48 on one charge, and $44 40 on the other

Canton Advocate "The legislature at Yankton have accepted the invitation of President Wicker to "excuse" over the road hitherward, and the time probably will be about the 14th or 15th of February

The Canton News remarks that Governor Howard's message is an able production The same paper also says that the reappointment of Secretary Hand is "a well deserved tribute to a thoroughly efficient officer" The News is solid on truth

Henrich Carls, a German from Carron City, Nevada, was the loser of $2,100 by some confidence game played on him, while on his way to Sioux Falls, Dakota, on a visit to his parents

Vermillion Republican H B Shurtleff, proprietor of the Vermillion Valley stage line, has received orders to deliver the mail formerly left at Finlay, to Treat, the new postmaster at Freedom

Elk Point Courier Judge Shannon bore down on the justices of the peace in this county in a broad way, and the reprimand was to the point He said the most of them were liable to indictment for the way they charged fees, and permitted the same to increase in their courts

A novel entertainment was given at the school house in St James, Neb, a few evenings ago, commencing with a lecture by Prof Smith of Sioux City, followed by a lesson in figures and a drill in penmanship, ending up with a spelling match

The commissioners of Turner county have appointed Joseph Allen to act as probate judge in place of J O Brodie, who neglected to make the proper qualification W K Hollenbeck, of Finlay, was appointed justice of the peace for Finlay precinct, S I Burray, who was also elected at the last election, failing to qualify

Canton News The cry about the enormous exemption in Dakota is not warranted by the facts Several states have greater exemptions than our territory and they are prosperous too Very likely the time will come when a less exemption will answer, but that time has not yet arrived and we do not believe the legislature will be so unwise as to impair the present exemption law, no matter what force may be brought to bear upon it

LAWRENCE COUNTY OFFICIALS

A Hills Paper Gives a Word of Caution Regarding Alleged Attempts In the Direction of Increased Pay

Deadwood Times

We are informed that there is a desire upon the part of most of our county officials to have the legislature now in session at Yankton pass such a law as to increase their fees and compensation and to this end they are using their influence and making the preliminary arrangements to have it accomplished before the close of the session Any such legislation would not only be unfavorably received in this county but would incite the indignation and wrath of the people, irrespective of party predilection There is no occasion for it,—there is not a reason or semblance of reason for any increase The statutory fees are sufficiently large to remunerate the several county officials for the time and labor actually devoted to the discharge of their official duties, and the fact that none the less than a majority of this county they have invariably been accustomed to charge fully one hundred per cent more than is allowed and prescribed by the statutes, is no reason why the legislature should give their endorsement and countenance to the imposition and peculation that has been practiced heretofore by making it legal hereafter Our people have submitted to it simply for the reason that they were so situated that they could not afford to contest the institution,—that they better "bear the ills they have than fly to others they know not of,"—and it was not that they conceded or acknowledged in any manner the necessity or justness of the payment of illegal and extortionate fees that they suffered themselves to be robbed If these men are not satisfied to serve the people for compensation that has been given heretofore, they can rest assured that there are many other good citizens more competent and better qualified than they, who will be glad to take their places, and who will faithfully and conscientiously discharge every requirement that the law imposes and will be content to take not a cent more than the law allows them Let them resign if they cannot live upon the legal fees The people would hail the resignation of some of them with acclaims of joy and hallelujahs If by any trickery or oversight such legislation gets through at Yankton, we earnestly urge the Governor to see that it is returned with his disapproval We do not speak for ourselves alone, but for the great majority of the people of this county, who, if they thought for a moment that there was any danger of such action, would earnestly and indignantly protest against it

SOUTHERN CLAIMS

Warren Mitchell's Claim For Captured Cotton

Washington Jan 27—There was an interesting debate in the senate to day on a war claims but the speeches were much more moderate than those delivered in the house last week It was an amendment claim of Warren Mitchell for $128 000 for cotton captured during the war This claim has occupied a great deal of time in congress and in the courts It first appeared in the court of claims some years ago, and that court dismissed it It was then appealed to the supreme court, which also decided against it It was then presented to the forty fourth congress, and was referred to the senate claims committee, which recommended, after a careful examination that it ought not to be paid Undismayed by this threefold objection by the court of claims, the supreme court and the senate, the indefatigable Warren Mitchell presented himself and his claim once more to the second session of the 44th congress, and this time on an occasion when but few out of the nine members of the committee were present Those five agreed that the bill should be favorably reported, but the senate ordered it recommitted, and once more it fell This happened on the 2d of March, 1877, and for the most people this last failure would have sufficed But Warren Mitchell was not discouraged He determined to try the present congress and once more the "memorial of Warren Mitchell, of Louisville Ky," was sent by a patient senate to patient committee on claims, which on March 8, 1878, once more went over the whole history of the case, and once more recommended that the senate should reject the claim but now Senator Harris brought in a bill, with a minority report, recommending the payment of the claim

A BIGAMIST'S WIFE SUICIDES

Special Dispatch to the Sioux City Journal

Beloit, Jan 28 —Great excitement was occasioned here last night by an attempt to commit suicide by a young woman named Margaret Gillespie, recently married to a man named J W Zellars, who came here about six weeks ago from the interior of this state The cause of the rash act was that a lady arrived here yesterday claiming to be the wife of Zellars, and upon the discovery of her husband and learning the state of affairs confronted him and demanded an explanation They retired to another room to talk, and refused the last wife admission, when she became frantic, obtained a revolver and shot herself in the right temple She remained unconscious till this morning when she revived, and is alive to-night but in a critical condition

Zellars was arrested this afternoon for bigamy, and his preliminary examination is now in progress

While Mrs Zellars was giving her testimony this afternoon she fainted and had to be carried from the room

There was talk on the streets early this morning of tarring and feathering Zellars, but better counsels prevailed, and the law will be allowed to take its course His examination will probably not be concluded till to morrow

SITTING BULL

Bismarck, Dakota, Jan 27—Runners from Sitting Bull, arriving at Standing Rock say the warrior wants to return to Standing Rock, as his tribe, the Uncapapas, stop on that reservation

The Tribune to day publishes this message from Sitting Bull to the Uncapapas "Once I was strong and brave, and my people had hearts of iron, but now I am a coward, and will fight no more forever My women are sick and my children are freezing I will do as the great father wishes I will give my guns and my ponies into his hands My arrows are broken, and my war paint thrown to the winds"

Dr Linderman, director of the mint, died at Washington Monday afternoon

Chew Jackson's best Sweet Navy Tobacco

NEWS BY TELEGRAPH

From the Daily Press and Dakotaian

CONGRESSIONAL

SENATE

Washington, Jan 29 —Mr Edmunds' resolution, refusing the privilege of the floor to those not entitled thereto, and also refusing the privilege of the corridor or marble room, was adopted

The senate bill for promoting the efficiency of chaplains in the United States navy passed It provides that no person under twenty-five or over thirty-five years of age be appointed, and limits the number to twenty

Washington, Jan 31 —Mr Voorhees, from the committee on pensions, reported a resolution instructing the secretary of the interior to report the additional clerical force necessary in the pension office and the pension branch of the surveyor general's office, to secure to applicants prompt examination of their claims and speedy and efficient transaction of the business of pensioners Agreed to

Mr Saunders, from the joint committee to inquire into the expediency of transferring the Indian bureau from the interior to war department, reported that the committee had been unable to agree, and submitted a report accompanied by a bill to authorize the president temporarily to transfer the custody, control and management of certain Indian tribes from the interior to war department, and for other purposes Laid on the table

CAPITAL NOTES

Washington, Jan 29 —The senate finance committee, 4 to 5, decided to recommend a reduction of tobacco tax from 24 to 20 cents per pound It was also decided to add a clause to the house bill admitting duty free licorice paste and rolls almost wholly used in the manufacture of plug tobacco

Washington, Jan 29—The president nominated Senator Christiancy to the Peru mission

Washington, Jan 29,—The nomination of Senator Christiancy to be minister to Peru was unanimously confirmed without the usual reference

Washington, Jan 29—The treasury department states that over twenty five millions in coin obligations, including one million and four hundred thousand in United States notes, presented for redemption have been paid during the current month, yet the coin in the treasury has steadily increased Hereafter the assistant treasurer will pay interest on government bonds in gold, if demanded No great demand, however, is expected The February interest amounts to about six millions

Washington, Jan 29 —Before the Potter committee, J McClellan, assistant chief of the warrant division of the treasury, stated that at the instance of Secretary Sherman he had deciphered the Oregon ciphers by means of a dictionary key, at the time the ciphers were in Morton's committee, and others were deciphering them

Gen Brady resumed the stand and translated the telegrams referred to in his testimony of yesterday, as follows

Tallahassee, Dec 1st—John Wing, Washington—Florida will go for Hayes

[Signed,] BRADY

Washington, Jan 29 —To Gen Brady, Tallahassee—Florida in trouble I speak advisedly Have no other key

[Signed] JAS N TYNER

Washington, Jan 20 —To Gen Brady, Tallahassee—Reliable information here says the democrats claim two of the Florida returning board Do you believe it?

[Signed] BRADY

Tallahassee—Joe Wing, Washington—We have no intimation of treachery except on the part of one of our own number If we come to grief, it is through him, the New Yorker We are advised he recommends contrary to our own interest, and his many and mysterious interviews arouses suspicion

[Signed] BRADY

Be chairman—Who was meant by New Yorker? Answer—Gen Barlow

Several other telegrams were read, but were without significance

The last one related to the conclusion of the count, and stated, "state gone for Hayes," etc

Cross examination showed that "John Wing" was a fictitious name for Judge Tyner, and the cipher used was arranged before General Brady left Washington His cipher had been destroyed and he presumed Tyner had destroyed his copy

Washington, Jan 30 —Whitelaw Reid, of the New York Tribune, was before the Potter committee to day He received a package of cipher dispatches from Wm E Chandler and one from Hiscock of the committee He produced two scrap books with the remark, "Here are two volumes of dispatches received by me [Laughter] The first volume contains copies of Florida dispatches with an appendix of miscellaneous dispatches Volume No 2 embodies telegrams referring to South Carolina and Oregon" Before the telegrams were deciphered Reid said he published editorials on the subject with a view of inducing some one to come forward with a key to the cipher, but that failing, copies were attached seriously Hazard and Growner did the entire work of translation Professor Holden aided in some immaterial ways Hiscock inquired if there had ever been any complaint from parties to whom telegrams were attributed Reid replied that with the exception of Marble there had been no direct complaint, and in that case Marble was perfectly satisfied, as he was not the author of the telegram attributed to him in the publication The first of the Oregon dispatches were not deciphered and published in the Tribune, but in some others An associated press dispatch drew attention to the fact that the cipher used was an old mining cipher and was taken from the Household dictionary, Tribune experts then procured the dictionary and the cipher was plain Recess

Washington, Jan 31 —The Potter investigation committee began to day's proceedings in secret session The chairman submitted a resolution that a sub committee of five be appointed to go to New York to take any testimony it might be more convenient to hear there Hiscock moved as an amendment that Marble, Pelton and Weed be first examined before the whole committee in Washington Lost Cox offered a substitute to the effect that the whole committee should go to New York Rejected, also, a second amendment by Hiscock that the sub committee should consist of one member of five The original motion was carried, Hiscock and Cox being the only members voting against it McMahon Springer, Cox, Stenger and Hiscock were appointed the sub committee Recess

HOME NEWS

Chicago, Jan 29 —The inquiry by a subcommittee of the house judiciary committee into the charge of official misconduct of United States District Judge Henry W Blodgett, began this morning, the prosecution being conducted by Messrs Cooper, Knickerbocker and Bolton, and the defense being represented by Messrs Trumbull, Goudy and Campbell Judge Blodgett himself was present The first charge was read It is said that Judge Blodgett as district judge entered into an unlawful scheme to defraud the creditors of the bankrupt German insurance company by means of orders secretly and corruptly entered by him, and the creditors thereby were defrauded of $15,000 The specifications of this charge are four in number and have already been published in various newspapers They in brief are that Judge Blodgett permitted two motions to revert to their maker, A C Hesing, at a sum much less than they were worth, that he caused records of transfer to be made and conspired to prevent these records and orders secretly made from becoming public Mr Campbell read a long reply prepared by Judge Blodgett, making a general denial

Topeka, Jan 29—The following is the result of the first ballot for United States senator in joint session to day Ingalls, 68, Anthony, 26, Goodwin, 22, democratic vote, Mitchell, 18, greenback vote, Simpson, 17, Phillips 14, Campbell, 1 Horton, 2, Pomeroy 2 It requires 85 votes to elect

Indianapolis, Jan 29 —Wm E Merrick and John Achey were hanged at 12 20 to-day Achey claimed that the crime was not premeditated, but was ready to gratify the wishes of the people for a hanging Merrick asserted his innocence throughout Both were wonderfully calm Achey had shot Leggett in a saloon last July on account of a gambling scrape Merrick having compromised a bastardy suit by marrying the woman he invited her to take a buggy ride last September, got her a glass of poisoned wine at a saloon and drove her about the city till she was dead During her death struggles she gave birth to a child He buried them both in some rubbish just outside the city The conviction was on wholly circumstantial evidence

New Orleans, Jan 30—It is rumored that J Madison Wells, surveyor of the port, is indicted by the United States grand jury for malfeasance in office

Chicago, Jan 30—Lieut De Rudio this morning gave testimony more decisively exculpating Major Reno than any yet adduced His testimony was in brief that Custer and two aids had mounted to the top of the hill, seen that Reno was menaced by the Indians, had cheered on Reno's men as they were advancing on the Indians, and then with his command had ridden away, leaving Reno in his precarious position Witness could not say what was Custer's idea in this movement

Chicago Jan 30—The police have captured a gang of counterfeiters and forgers who during the past two years have by means of counterfeiting letter heads and signatures, obtained great numbers of passes from railroad corporations which they have sold to scalpers The plan pursued was to apply in due form and upon a letter head of one railroad under the signature of the general superintendent or manager to another road for a pass which application being always readily honored a fine business was worked up by the forgers The fraud was first discovered by Samuel Whipple, secretary of General Manager McMullin of the Chicago & Alton railroad, whose information which led to their arrest

New Orleans, Jan 31 —Jonas is elected United States senator

Topeka Kansas, Jan 31 —The Anti Ingalls element in the legislature, after caucusing all night and to 11 o'clock to-day, centered on Chief Justice Horton On the first ballot to day Ingalls received 86 votes Horton 73, Goodwin (democrat) 2 and Mitchell, (greenbacker) 1 Ingalls was declared elected He is now addressing the members in session The enthusiasm here is unbounded

New York, Jan 31 —The news that the British government had prohibited the importation of live cattle from America has created considerable excitement among shippers of live stock, and also among ship owners, several lines of steamers running from this and other American ports having made large contracts far ahead. The Evening Post says that during the summer months last year many of the large steamers of the transonal line were especially fitted up and wholly devoted to this business, the number of cattle shipped by a single vessel often numbering

Press and Dakotaian

—ESTABLISHED 1861—

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ADDRESS

BOWEN & KINGSBURY

YANKTON, - - DAKOTA

Thursday, February 6, 1879.

Mexico has paid in its third installment of $3,000,000 indemnity money

Gambetta has been chosen president of the French chamber of deputies by 314 votes out of 405

Stanley Huntley, of the Bismarck Tribune, was married a few days ago to Miss Chance, of Fort Lincoln His mischance has proved a blessing to the rest of us The Tribune has been silent upon the subject of Dakota newspapers for the last two weeks, and has neglected to call the Press and Dakotaian a gun wad for nearly four weeks

The "arrears of pensions" bill which has become a law, was introduced in the house by Representative H J B Cummings, of Iowa, and not by General Rice of Ohio, who is endeavoring to make political capital out of a measure to falsely claims to be his own General Rice did introduce a bill granting arrears of pensions, but it was not passed Rice's bill provided for the repeal of the statute which prohibits the payment of pensions to those who have borne arms against the United States It also provided for the restoration to the pension rolls of the names of all persons who were stricken therefrom because of disloyalty.

Mr H Carpenter reached Washington on the night of the 30th, from the scene of his successful run in Wisconsin, and was greeted with an ovation such as is seldom accorded to a citizen of the republic in a private life A artillery salute, fire works exchange of telegrams and eulogistic speeches made up the public demonstration in honor of Wisconsin's favorite statesman From the balcony of Willard's hotel Mr Carpenter spreaded in a half hour speech to an audience of 2,000 people In his speech Mr Carpenter announced himself in favor of Re election of Grant for president.

EXEMPTION FROM DEBTS

The Springfield Times regards the action of the citizens meeting in Yankton, in voting down Mr Bixby's resolutions, calling for a modification of the exemption law "as unwarranted by every consideration of property and justice, and in direct antagonism to the best interests of the people both individually and collectively, of this territory" The Times then goes on to advocate a modification of the law and presents its points in the strongest possible language It advances arguments which our legislators should carefully consider and act upon honestly and with the good of the people as their guide It is time this subject was fairly discussed and conscientously acted upon by those who are chosen to construct and reconstruct our laws The Times says:

It is a notorious fact that under our present exemption law, the credit of our territory, and individuals as well, has been almost wiped out of existence, to the great hardship of many honest farmers and mechanics, who, because of this very law, are refused credit on the general principle that no one can be trusted in the face and eyes of a law that protects them, if they feel so disposed in regard to their honesty Wipe out this law, or at least bring its provisions within the pale of a fair standard of equity, and the honest farmer, business man, mechanic or laborer, would soon be able to get such credit as his honesty and integrity would warrant, while the rogue alone would be liable to duress

Another pernicious result of the present exemption law is the fact that it promotes an indiscriminate and heedless contracting of debts by that class of our citizens, who, of all others, should keep out of debt The farmer will buy machinery and give his notes therefor when he knows that if the last drawback occurs to him he will not be able to pay for the same, without exercising that degree of caution he otherwise would, were it not for the fact that he knows he has a perfect shield from forcible collection under our present law In other words, he deliberately incurs an obligation which he knows he may not, and probably will not be able to meet, and thereby does himself a great injustice besides perpetrating a great wrong upon the individual who has credited him in good faith, supposing him to know what he would be able to do and what he would not

DIVIDING THE TERITORY.

It is good that the Sioux City Journal is so near and so neighborly It is constantly instituting suggestions from out the goodness of its heart, and whenever the press of the territory evinces a change of base upon any subject, the motherly old sheet is on deck and full of lively solicitude lest some of its immature children may have inadvertently said something which the public might not understand but for the Journal's explanatory efforts Its latest solicitude is upon the project for a division of the territory It says

The revolution in sentiment on the question of bringing Dakota into the union as a state is not confined to the Hills country, but has spread to northern Dakota and to Yankton Mr Burbank's memorial to congress praying for the early creation of a new territory out of the northern half of Dakota, the Black Hills people are looking for a new territory for their country, and the Yankton Press has withdrawn from the list of anxious advocates for statehood

The Journal then publishes our remarks upon the memorial introduced into the legislature by Mr Burbank, of Richland county, and soliloquizes thus

The above will strike the reader who remembers the recent anxiety of the Yankton Press for statehood as a little peculiar and a trifle sudden The future capital business, in the event of admission to the union, was a point, evidently, the Press had not carefully considered prior to the time it made its earnest and powerful appeals for union with the sisterhood of states

The Journal will doubtless remember that a proper geographical division of the territory has always been advocated by southern Dakota, but that there has generally been an opposition to that move in the Red river valley Pending a settlement of this difference the bill for the admission of Dakota as a state was introduced in congress We hailed it as a measure which promised relief from our present chaotic condition and advocated it, in spite of the objectionable feature within it which was that Dakota was to be admitted as a whole. Later has come the memorial to congress praying for a division of the territory, and introduced and advocated by a northern Dakota man This action places southern Dakota in a position to urge the scheme Northern Dakota asks to be set apart and erected into a new territory Its proposition accords with the views of southern Dakota There is perfect harmony upon the main issue and dividing lines suggested accord with the wishes of the people of this corner of the territory Now that we all agree upon the subject there is no impropriety in urging it and in expressing a preference for division over even the admission of the whole of Dakota as one state The Journal will please make a note of the fact that circumstances alter cases While we hold that Dakota as a state is preferable to Dakota as a territory, there is no impropriety in admitting that Dakota as two territories and finally two states can do more for its people than if it retains its present dimensions.

A week or two ago we published an item in the local columns of the Independent to the effect that those who wished to keep posted on legislative affairs of the territory should subscribe for the P D, of Yankton The copy usually sent us not coming for two or three days in succession, we inquired the cause at the P O, and were informed that we were not the only unfortunate, as every mail, some one was missed On inquiring for the paper at the news room we were informed that they did not get as many as ordered Until further notice and an explanation from Messrs Bowen & Kingsbury we must write "we were mistaken"—*Sioux Falls Independent*

There is something so sweetly severe about this that we don't know whether to be pleased or sad That the Indedendent man is pining for our paper recompenses us for years of unpaid toil, but the manner in which he goes for our mailing clerk or the postmasters along the road detracts somewhat from the joy of the occasion

The report of E A Sherman, special agent appointed by the governor and the legislature to procure temporary care for the insane of Dakota, has been made and from it the public will learn that Mr Sherman has been successful in his mission The insane will be kept at St Peter for sixty days longer and by that time Dakota will probably be in a condition to care for its own unfortunates Mr Sherman has performed his work expeditiously and effectively and has earned the thanks of the whole people

The directors of the City of Glasgow bank Robt Sumner, Stranach, Loomis and Potter, convicted of fraud, theft and embezzlement were sentenced to eighteen months, imprisonment Five other directors convicted of uttering false statements of balance sheets, were sentenced to eight months' imprisonment

The river and harbor appropriation bill recommends an appropriation of $6,000,000, scattered over all the states for river and harbor improvements The territories will get none of it, for the reason that the territories have no votes to trade for favors of that nature

The interior department has made a treaty with the Nez Perces Indians whereby it gives farm six townships in the Inamin territory and $250,000 in cash for 48 000 acres of land in Idaho Schurz if he get the best of Joseph in that transaction

The solid south in congress threatens to vote down all appropriations for public works in northern states unless the Texas Pacific or the Mississippi levee secures money donations from the general treasury

Forty thousand boys from twenty states in Missouri Iowa, Illinois, Michigan, Wisconsin and Minnesota have been received at the post office department

THE INDIAN TRANSFER

Report of the Four Members of the Committee Who Are Opposed to Turning them Over to the Military

Washington, Jan 30—The report embodying the views of Senators Saunders and Oglesby, and Representatives Stewart and Van Voorhees, four of the eight members of the joint committee on the Indian transfer question, has been completed, and will be presented to the senate to morrow It is shown that various evils and abuses grow up under the administration of Indian affairs by military officers, and nourish-touching the voluntary legislation of March 3, 1817 they continued to grow up to the last hour in which the war department had control of the Indian population and so little had been done toward the civilization of the warlike and unruly tribes under military discipline that military management was then considered a failure That the Indian can be Anglo Saxonized is proven beyond all cavil in the case of the Winnebagoes and Omahos, who reside on reservations in the state of Nebraska They live in comfortable houses have good barns, cultivate their lands and raise as good wheat, corn and potatoes as are produced brough the labor of white men They have churches and schools and no more orderly community can be found than on these two reservations They are petitioning to become citizens, a question of such vital importance in their case that it must soon be solved It is necessary to place these people under military management? We think not Whether the management of the Indians remains where it is, or is delegated to the war department, the general system of reform and improvement should continue, and among the most important things commanding immediate attention is to provide that the civil law of the United States be extended over all the Indians, under the war department management That public opinion had acquiesced in the assumption that the Indians were not susceptible of civilization, it is estimated that if all the fighting Indians of the country could be got together they would not muster more than 15,000, and the idea of their ever concentrating for warlike purposes is simply preposterous, be cause it is impossible Indian wars on a large scale are over, and we may reasonably hope that that part of our national history is in the past

In reference to the sentiment of the Indians on the subject the secretary of the interior made to the committee a statement giving views and votes of the various tribes, which gives an average vote of 16 to 1 against the transfer, nearly all tribes being unanimously opposed to the proposition All the religious denominations in this country are absolutely opposed to the proposed change of management Their opinions and behests deserve and should receive respectful consideration That we have among the quarter of a million of Indians some unruly tribes is a lamentable fact, and to this your committee would respectfully call the attention of congress We are of opinion that in such special cases the military should have temporary control and that the president have power to place such who will agree thereto with the code of laws applicable to them, defining crime and providing judiciary, especially in what is known as the Indian territory In the opinion of the committee such legislation is imperatively needed, and no time ought to be lost in making the necessary provisions therefor Men of integrity who are competent to administer the affairs of an Indian agency successfully can in most cases command large salaries at less sacrifice. The salary should be large enough to employ honorable men with decided executive ability, and to enable them to take their families with them to the agencies and to support them, their pay ought to be more liberal and the tenure of office should be secure for a term of years, provided the agent should prove worthy

Laws providing for the punishment of wrong doers in this branch of the service ought to be exceedingly severe We are aware that this policy has been inaugurated, and that thereby good results are felt As the commissioner of Indian affairs testifies, there has not been a single defalcation under the present administration The commission believe the war department is no more economical and efficient than the interior department in the purchase of supplies and their transportation We are of the opinion that the Indian bureau should be a distinct department with the chief a member of the president's cabinet This will add much in the solution of future complications in Indian affairs The Indian should be protected in his rights to land, and a safe guard ought to be thrown around him so as to prevent designing persons from filching his homestead or inducing him to sell it for a trifling consideration He should not have the right to sell his land without the consent of the department, under 21 years

Your committee can discover not one good reason why the proposed change should be made They believe that harm rather than good to the Indian would result from the change and that no possible advantage could result to the government from it

The report is accompanied by a bill authorizing the president to transfer the custody, control and management of any Indian tribes from the interior to the war department temporarily, whenever in his judgment he shall deem it advisable to do so, either on account of actual or apprehended hostilities of the Indians against the United States, or in case of difficulties between such Indians and settlers

The bill further proposes to authorize the president to detail any officers of the army to act as Indian agents or inspectors, or in any other capacity in the Indian service and exercising the same powers and subject to the same rules and regulations as civil officials, and an appropriation of $15,000 is recommended to pay the traveling expenses of the officers thus determined during the next fiscal year

THE SOUTHERN TIGER.

A General Breaking Loose of the Historic Animal In Response to Bragg's Strictures—Lively Debate In the House of Representatives

Washington, Feb 1—The speaker announced that the regular order of business was the morning hour and the pending bill to be the bill for the relief of Maggie Baron

Mr Chalmers said he cared nothing for the payment of local southern claims, be cause loyalty to the union during the war meant disloyalty to everything he held dear That many men in the south had been loyal to the union was nevertheless true, and he did not envy the cheap political capital the union soldiers could make by telling of such men He had no more confidence in their honesty than a mouse had in a stuffed cat skin The gentleman from Wisconsin (Bragg) taking advantage of the well known opposition everywhere, sought to blend war claims with claims for southern improvements and endeavored to throw the odor of his dead cat over them The readiness to suspect corruption in others sometimes indicates an innate tendency to corruption in one's self and he should therefore not charge corruption on anyone The issues of the war were certainly dead with him He had but one political faith to preserve inviolate local self government, but one political hope, to build up the waste places in the south destroyed by war When the west had been in its infancy it had been fostered by the south Mississippi democrats had stood side by side with those from Michigan in the work of western improvements He had warned the northern democrats last session that a refusal to recognize the just demands of the south might result in the defeat of southern democrats and the return of representatives who would form alliance with other parties The rapid growth of independent candidates in the south had already attained his declaration He hoped the solid south would still be solid for the democratic party But for that part of it that had the courage and manliness to treat the people of the south as equals and not as inferiors in the union The gentleman from Wisconsin had found a bloodier shirt than he had ever waved from the battlements of the republican party, and he was stretching his legs in a frantic effort to climb up to the republican platform and rob it of its 'bloody banner' He had reminded the south of the war debt and of the blood of the union soldiers for which the south were responsible Mr Chalmers, would remind the gentleman that the war debt was not yet paid and the cotton and tobacco states were paying more of it than Wisconsin He Chalmers would reply to the gentleman's diatribe of certain supposed classes of southern democrats that if there were any forebodes or disappointed republicans in the north who could not get into congress without putting on the lion skins of democracy, they should be very careful not to open their mouths too wide when they get there [Laughter]

Mr Hooker said every claim against the government should be so absolutely and completely divorced from politics sentiment that no member on either side would regard it as a political question on which the parties could be divided Such questions should be passed upon according to justice and right and not according to partisanship Mr Garfield had well predicted, not long since that no man who attempted to appeal again to sectional animosity and sectional issue either on the floor of the house would appeal in vain He hoped such appeal would be as powerless to effect its object coming from one side of the chamber as coming from the other He Hooker could not forget that when the war closed and there were various measures of legislation proposed, intended to lift the iron heel of oppression still heavier on the south there was found to be a gallant minority of members in the house led by its present speaker, who resisted these efforts and banded together to restore the government to its constitutional orbit Members from the south had just left they had found many loyal defenders on the part of the northern democracy—men who were willing to throw the mantle of oblivion over the incidents of war and who were not willing to rake up its dead ashes If anyone supposed there was any other bond between them than that of right and justice he had no conception of it What had been thought of by the southern representatives The southern democrats had voted for the bill to pay $90,000,000 of arrearages of pensions, a regular pension appropriation bill of $20,000,000, $5,500 000 to pay for the Canadian fisheries, and innumerable claims of that sort and had never asked the question where the money would go, but now that it was proposed to refer some southern claims to the proper tribunal, it was said that would not do, that tribunal might decide the claim to be a just one and that it was too large to be paid A large portion of the claims now standing on the calendar had been presented years ago and long before there was a single democrat in the house from the southern states He denied the right of any man to charge the democracy of the south presenting any false or fraudulent claims against the government He thought he could state for the democracy of the north as well as for that of the south that they were ready for the maintenance of the constitution and good government, and not by any such as alluded to by the gentleman from Wisconsin

Mr Mills expressed his belief that not a dollar of money paid for war claims had gone to a man whose heart had beaten in sympathy with the confederate cause Where had loyalty been found in the southern states during the war? It had been found among the sutlers and deadbeats and skulkers beside the federal armies They were speculators, men who had no country To such men about a hundred million dollars had been paid He had always voted against such claims, and he was in favor of a constitutional amendment excluding such claims There was a legacy left by the founders of the republic who did not venture to decide the question for themselves' Two millions of the bravest of men had settled it on the battle field, and to day a million of them were sleeping in unmarked and unknown graves, while the sutlers and bummers were appealing to the government to pay them for cotton they had gathered up for himself he should vote against all these claims [Applause]

Mr Singleton characterized the course of Mr Bragg against the south a most unfounded and unjust slander The southern representatives who introduced the claim bills did not endorse the claims They simply presented them as a duty to their constituents As to ridding the southern democrats out of the democratic party, Mr Singleton said the south had given to the country before the war seven of its presidents—Washington, Jefferson, Madison, Monroe, Jackson, Polk and Taylor Out of 136 cabinet officers the south furnished sixty seven, and that no such president had occupied his seat against the will of the people and no such cabinet officer had been charged with corruption [The name of Floyd was here suggested by Townsend of New York] Every battle that had been fought before the late war had been fought under southern leaders both presidents and officers No foot of territory outside of Alaska had been acquired under other than southern presidents Bragg himself was the only babe in the family of the democracy and will have to tarry in Dixie until his beard grew Bragg that had been so long abusing the democracy when running on the republican ticket for congress and other offices like the old harper whose harp refused to sing of ought but love, his mouth refused to give out a single note in praise of the democracy [Laughter] The south had none to give out to democrats on the floor while the north had but sixty three and if the southern democrats were parted from their brethren of the north, the latter would be controlled by the republicans, and no one could tell what would become of them [Laughter] The democrats of the south were democrats of principle If they had only been influenced by loaves and fishes they could have sold out long ago to the republicans [Laughter]

The hour having expired, Mr Martin, who has charge of the bill, moved the previous question

Mr Conger desired to have the time for debate extended, but Mr Martin insisted on the previous question out it was not seconded and the bill went over till the next morning hour

WILD HOG ATTEMPTS SUICIDE.

Fort Robinson, Jan 31—At noon to day it was discovered by a sentinel guarding the building wherein Wild Hog, the Cheyenne chief, is confined, heavily ironed, that the desperate Indian was lying on the ground in his prison room covered with blood, having stabbed himself in four places in the region of the heart with the intention of putting an end to his life rather than be taken south The post surgeon pronounces the wounds very dangerous, if not fatal

Thirty three squaws and twenty-two children left here this morning for Pine Ridge agency and will be turned over to the Sioux at that agency as their natural protectors.

THE CRIMINAL CALENDER

A SUSPICIOUS CASE

Macon, Jan 30—Wilkin's store at Learny burned yesterday The body of Wilkin was found near the door burned to a crisp, a pistol in his hand and his skull crushed

A HORRIBLE DEED

St Louis, Jan 30—A San Antonio, Tex as, special to the Globe Democrat says that a party of Mexican bandits recently robbed three women and two men on the Mexican side of the Rio Grande, then bound them to trees and left them to starve When found the buzzards were hovering around them Three of the bandits were captured

THE KENTUCKY WAR

Louisville, Ky, Jan 30—A dispatch from Jackson, Ky, dated the 29th says the cases of the men accused of killing Judge Burnett were called up yesterday for trial, but were not heard, as Judge Randall was sworn off the bench by Fred Gambrel before the testimony began Captain Taylor leaves to morrow for Frankfort with a certificate notifying the governor that no election of a special judge could be had

SYLPH AGAIN

Milwaukee, Jan 30—Last week Deputy United States Marshal Simpson went to Greenlake county with a civil writ for the purpose of attaching some property belonging to Geo John F McDonald The deputy was unable to serve the writ, having met with armed resistance Yesterday a criminal warrant was issued charging Geo McDonald, Mrs Lamotte the Sylph, of whisky ring notoriety and Mr Thompson, an attorney, with resisting United States officers Armed with this writ the marshal returned to Dupon to day and will bring the parties to this city for examination on the above charge

THE HOSTILES

A Large Number of British and American Indians Collecting in the Bear Paw Mountains

Chicago, Jan 29—Gen Sheridan is in receipt of a communication from Belknap M T from Indian agent W L Lincoln, of date of January 4 confirming the news of Sitting Bull having crossed the border He says he is reliably informed that there are 450 lodges of Pagans in the Bear Paw mountains, about 40 miles southwest of Dupont and that probably as many more British Black Feet Bloods and Pagans are on their way to the Bear Paw mountains and were in close proximity at last accounts The Crees, British Indians are also in the mountains The British Assiniboines have camped with the American Assiniboines at

Press and Dakotaian.

Thursday, February 6, 1879.

CITY AND VICINITY

LOCAL LACONICS.

Mr John Leverson offers ten dollars re-
ward for the detection and conviction of the
party who have been stealing his wood
during the summer of 1878 See his card

George E. Hawley has erected on his
store block a wire sign which is as or-
namental as it is instructive It directs
people to one of the finest hardware stores
in Dakota.

Thursday night a lecture, given by the
Y M C A society, was well attended by about
two hundred people, and a highly entertain-
ing address was given by Mr Smith

Mrs Mary L Livermore has been secured
to deliver a lecture a season, to deliver a lec-
ture in this city on Friday evening of this
week in the Congregational church Sub-
ject Concerning Husband

J Barleigh contemplates putting a full
crew on his steamer General Terry, and if
other parties to make this improvement he
can accommodate about a hundred excur-
sionists on his next summer's trip

A L Van Osdel has been constructing a
large addition to his Jim river residence,
and last evening, about sixty of his friends
assembled to and him in "warming" the
new apartment A Press and Dakotaian re-
porter who was there, says it was an ex-
tremely pleasant affair Among those
present were J A Deneen, Frank Hardin,
J B Hogan, Hans Olesen, A Parks, Thom-
as Malone host Wood, of the Gayville
Gazette, A Gulick, L B Thomas, J Stan-
ley Deneen, W O Borne, Daniel Mow-
ery W Fredrickson, James Noonan, G
Mayfinch, M A Baker, M E
Alcott, and many other solid
citizens Van Osdel's house
is one of the occasions which will
part of the local history of the Jim
river

PERSONAL

Colonel D
Vermillion, is visiting
in
Vermillion, is in York
ton
Boyce of Union county, was in
yesterd
F N Bell of the Vermillion R
was in town yesterday
Armstrong a former resident of
returned to the city last night
Wolfe is out to-day, after being kept
a week or three weeks by a throat
Wm J Pollock, agent of the Spot
Line, arrived to day from R se
burg
Capt Baldwin, president of the Bismarck
Black Hills stage and transportation
company Yankton
Wm R Smith and wife, of Sioux
City, arrived last evening They
are the guests Dr G W Vanderhule
Chairman Day and R presentative
Ashley organized themselves into a com
mittee special purposes and went home
on the special this afternoon
Sherburne is back from his eastern
trip He has been looking over the South
Dakota section of Union, buying up draft
horses for the Yankton market, and has
a considerable time visiting with his
friend Philip Brinkerhoff of Dublin, Illi-
nois

The Rev Dr
G B Cheever, of Fort Pierre, came up to
Yankton last night
Mrs Wm R Smith returned to
Yankton this morning
D F N Burdick, of the Vermillion
Republican, is in town to-day
C F Meehan of the Elk Point Courier
is spending a few days in Yankton
Charles Bates, special Indian inspec-
tor, returned to Washington from his home
in Yankton by way of Rosebud agency and
Fort Custer Mr Bates left on the morning
train for Bismarck and reached home
in Washington via through Montana
without any trouble Orders to go at once to
Rosebud agency
The Washington Iowa Press The Press
extends its welcome to Washington,
Hon G G Bennett, our old townsman,
and representative delegate from Dakota. He
is one of the ablest, purest and best men
ever honored this county with citizen-
ship He arrived here from Washington,
on Monday, en route for his home
in Dakota, and will remain a day or two
before leaving there new home, and are
consequently weaned from us. He thinks
of the session of congress after
He is looking splendidly

REDUCED INTEREST.

The Pembina Daily Courant —Mr Wal-
ton's bill for the reduction of the contract
rate of interest from 12 to 10 per centum,
in favor of the poor man and his
starved children, of which we have
spoken in former issues pathos recently, and
the chamber of commerce will lose
no time in calling a mass meeting of citi-
zens to endorse the passage of this measure
There are hundred borrowers to one
lender, and with pork at 2 cents
per pound and wheat 45 cents per bushel
the effect is an enormous high rate for
the use of money
For your bill, Mr Walton, nine tenths
of people are in sympathy with its pro-
visions and ill defeated by the "money
changers and promoters of the temple" let
the farmers and his dear wife and chil-
dren know where the responsibility be-
longs

The rate of interest in Iowa, Ne-
braska and Minnesota, all adjoining and
kindred commonwealths, is 10 per cent,
and no more is loaned in each of these states
for a less rate than 10 per cent and
there is no earthly reason why the rate here
should be higher than with them
We favor the previous question on the
passage of Mr Walton's bill

TEN PER CENT

LIST OF LETTERS

Remaining in the postoffice of Yankton
Dakota county, D T Jan 29, 1879
If not called for in 30 days will be sent
to the Dead Letter office

Alo Josef	Phillips Adelbert
Brown D J	Pylaire Henry
Fuller A M	Raynor A D
Gregor Franklin	Roswall Charlotta
Hanson Hance	Shaw Wm J
Johnson Miss Nettie	Seven One Christo-
Larsen Michael	son
Mc Ilvain Flora	Sumar Henry
Mc Thon W	Spencer David
Mc Comb E	Saring Jacob
Meade James	Zinert Frank
Murch Mike	Walker Miss Mary R
Nelson Gustave	Williams Wm P

Olson Miss Gena

HELD FOR DIRECTIONS

T Larson Staughtor

HELD FOR POSTAGE

Heinrich Lehatz, Lesterville, D T, due
3 cents.
H P Carlson, Omaha, Neb, due 2 cents
A Brown, Scotland, D T, due 2 cents
Miss Katie Volmuth, Chicago, due 3
cents.
Miss Nettie Kellogg Kalamazoo. Mich,
due 3 cents
Postmaster, Firesteel, D T, due 3 cents
Mrs Dr Wixson, city, due 1 cent
Miss Carrie S Osborne, Fairbault, Minn,
due 3 cents.
Persons calling for advertised letters will
please say advertised.

A W HOWARD, P M.

DAKOTA LEGISLATURE

Proceedings of the Thirteenth Session

COUNCIL—19TH DAY

GENERAL COMMENTS

Mr Whitfield to day gave notice of a bill to be introduced by him providing for the division of Lawrence county and the organization of a new county from the agricultural portion thereof, the new county thus created to be called Howard county This bill is to be introduced by Mr Whitfield because he has been petitioned to take the step by a large number of the non mining residents of Lawrence county The petitioners represent that they are willing to pay their proportion of the present indebtedness of the county and that they desire separation because the county is being run into debt at a rate which promises to absorb all their possessions This measure will doubtless meet with strong opposition from Deadwood

The local option bill, which has passed the house, was received in the council this morning and referred to the committee on immigration Just what connection there is between immigration and whisky, or vice versa, is not clearly apparent, but we presume the council took into consideration the composition of that committee and knew what it was about Messrs Cappett, Roberts and Kuykendall compose the council committee on immigration, and doubtless each of these gentlemen will be glad to receive suggestions from the friends of the measure—especially the ladies

Saturday, Feb 1—The council met at 10 o'clock and was called to order by Mr Valentine, president pro tem

Prayer by the chaplain

Roll called, members all present except Mr Walsh

The minutes of yesterday's proceedings were read and approved

PETITIONS

Mr Edmunds presented a petition from three-three citizens of Bon Homme county, protesting against the modification of the exemption law

REPORTS OF COMMITTEES.

Mr MacNider reported council bills Nos 1, 5, 17 and 25 correctly enrolled

Mr Lilly, from the committee on counties, reported back council bill No 40, defining the boundaries of certain counties, and recommended its passage

Mr Miner from the committee on agriculture reported back council bill No 16, in regard to herding and branding stock, with amendments, also council bill No 42 to fund the indebtedness of Union county and recommended their passage

MOTIONS

Mr Kuykendall moved that the vote by which house file No 5, providing for the employment of short hand reporters, was defeated yesterday be reconsidered, which motion prevailed, and the bill ordered to come up in its regular order on Monday next

Mr Edmunds moved that the reference of council bill No 28, to amend the charter of the city of Yankton, be transferred from the committee on finance and expenditures to a committee composed of the Yankton county members of the legislative assembly, which motion prevailed, and the bill was so referred

NOTICE OF BILLS

By Mr Kuykendall—To provide for the appointment of a fire warden for the town of Deadwood, and for other purposes

INTRODUCTION OF BILLS

By Mr Pettigrew—A bill for an act to establishing a board of education for the village of Sioux Falls

By Mr Wynn—A bill for an act fixing the compensation of clerks of the district courts of the several judicial districts of the territory

By Mr Edmunds—A bill for an act to reimburse the governor of the territory for money expended on the insane asylum

FIRST READING OF BILLS

Council bill No 52—A bill for an act establishing a board of education for the village of Sioux Falls

Council bill No 53—A bill for an act fixing the compensation of clerks of the district courts in the several judicial districts of the territory

Council bill No 54—A bill for an act to refund to the governor the money expended by him on the insane asylum

SECOND READING OF BILLS

Council bill No 50, authorizing the counties of Lincoln, Turner, Moody, Minnehaha, Grand Forks, Traill and Pembina to to issue bonds for railroad purposes, was read a second time and referred to the committee on railroads

THIRD READING OF BILLS

Council bill No 40—A bill for an act to define the boundaries of certain counties in this territory, was read a third time [This bill proposes to cut off one tier of townships from the eastern part of Hanson county, and attach them to McCook county]

Mr Edmunds believed that the provisions of the bill were opposed by the people of Hanson county and hoped the bill would be laid over until further information can be obtained in regard to the wishes of the people

After some discussion on motion of Mr Pettigrew, the further consideration of the bill was postponed until next Wednesday

MESSAGE FROM THE GOVERNOR

A message was received from the governor announcing his approval of council bill No 8, creating a lien for miners and laborers in certain cases

MESSAGE FROM THE HOUSE

The council was informed by a message that the house had passed house file No 12 an act regulating fences and enclosures in the Black Hills counties, also that the house had passed council bill No 31, amending the charter of the city of Vermillion, and the following council bills with amendments No 20, to regulate the rate of interest in the counties of Lawrence, Pennington and Custer, No 22, establishing the boundaries of the judicial districts of the territory, and No 29, authorizing the county of Grand Forks to issue bonds for the purpose of building a court house and jail

HOUSE BILLS

House file No 12, in regard to fences in the Black Hills counties was read a first time

The following house bills had their second reading and were referred as indicated

No 4, known as the local option law, to the committee on immigration

No 13, relating to the compensation of public officers, to the committee on education

No 15, relating to qualification for office, to the committee on elections

No 20, amending the law in regard to the compensation of judges and clerks of elections to the committee on elections

No 22, to amend section 36 of he justice code, to the committee on counties

No 23, asking an appropriation to remove obstructions from the Missouri, to the committee on immigration

No 28, a memorial praying for the amendment of certain United States statutes, to the committee on territorial affairs

ADJOURNMENT

On motion of Mr Pettigrew, the council adjourned until 10 o'clock Monday morning, February 3

HOUSE—19TH DAY,

The house convened, pursuant to adjournment, at ten o'clock a m

Mr Speaker in the chair

Prayer by the chaplain, Rev J P Coffman

Roll call showed all the members in their seats excepting Mr Gray

The journal of yesterday's session was read and approved.

COUNCIL BILL TWENTY SIX

Mr Burbank moved that the vote by which council bill twenty-six was yesterday passed, be reconsidered So ordered

Mr Burbank moved that further consideration of council bill twenty six be indefinitely postponed Adopted

This is the bill which was designed to prevent insurance companies doing business in the territory from publishing annual statements of their standing and condition, as required under the present law

COUNCIL MESSAGE

A message was received from the council announcing the passage of council bills 32, 33, 35 and 43, and house files number 6 and 18

NOTICE OF BILLS

By Mr Flick—To amend sections 325 and 321 of the code of civil procedure

By Mr Whitfield—To amend chapter 39 of the political code

By Mr Whitfield—To organize the county of Howard and to define the boundaries thereof

INTRODUCTION OF BILLS

By Mr Weeks—H F 38—For an act relating to the taxation of property

By Mr Weeks—H F 39—To amend chapter three of the political code.

By Mr Gamble—H F No 10—to amend section 460 of the penal code, relating to ferries

THE FIFTH ORDER

On motion of Mr Stephens the house reverted to the fifth order of business, reports of standing committees, and Mr Huseboe, from the committee on education, reported back house file twenty-seven, authorizing school district number one, Richland county, to issue bonds, with sundry amendments thereto and recommended its passage as amended

On motion of Mr Langness, the report was adopted

COUNCIL BILLS

Council bill 32, 33, 35 and 43 had their first readings

HOUSE BILLS

House file 30 had its second reading and was referred to the committee on agriculture The bill provides that ten per cent shall be the legal rate of interest in the territory of Dakota

House file 37 had its second reading, and under a suspension of the rule, passed to its third reading and final passage and passed by unanimous vote It is a memorial asking for an extension of mail service from Canton to Milltown

House file 27, reported back with amendments from the committee on education, was, on motion of Mr Burbank, under suspension of the rules, read a third time and passed by unanimous vote

CALL OF THE HOUSE

On motion of Mr Burbank, a call of the house was ordered, when it was discovered that Mr Gray was absent The sergeant-at-arms was dispatched with instructions to bring in Mr Gray

After waiting some fifteen minutes Mr Stephens moved that further call of the house be dispensed with, but the motion was voted down, under a motion from Mr Burbank that Mr Stephens' motion lie on the table

At half past eleven o'clock the sergeant at arms returned and reported Mr Gray present.

He was commanded to place Mr Gray before the bar of the house, where any excuses he might offer would be heard and acted upon

Mr Gray said it was absolutely necessary that he be absent and thought he ought to be excused

Mr Burbank moved that Mr Gray be fined fifteen cents and costs. So ordered

Mr Burbank by request and on motion of Mr Gamble, was excused for non attendance at yesterday's roll call

ADJOURNMENT MOTION

Mr Flick moved that the house adjourn

Mr Burbank seconded the motion and called for the ayes and noes The roll was called and the motion lost

COMMITTEE REPORTS

Mr Husbeoe, from the committee on education, reported back council bill 30 with sundry amendments and recommended their adoption and the passage of the bill

EXCUSED

By request, and on motion of Mr Burbank Mr Whitfield was excused from attendance until Tuesday morning

On motion of Mr Gunderson, Mr Cross was excused from attendance until Tuesday morning

CALL OF THE HOUSE

On motion of Mr Gray a call of the house was ordered, and it was found that Mr Flick was absent The sergeant-at-arms was sent out with orders to bring in Mr Flick

After waiting some three quarters of an hour, Mr Stephens moved that further call of the house be dispensed with On a call of the ayes and noes, the motion was lost by a vote of eighteen to seven

Mr Gamble moved that the assistant clerk, the enrolling and engrossing clerk, and the messenger, be made a special committee to assist in the search for Mr Flick, and to report progress So ordered

At this juncture a written message was handed in, addressed to Mr Stephens It was from the sergeant at arms, and read as follows

Stephens—There is no use of your staying there any longer, as I can't find Flick, and can't find out where he is J H Dix

The speaker ruled that no action could be taken upon the communication from the sergeant at arms, as it was not addressed to the speaker

Shortly before one o'clock, the sergeant-at-arms and his posse returned, and the commander in chief of the expedition reported that he had the missing member in his possession He was directed to bring Mr Flick before the bar of the house, and when there Mr Flick was asked to present his excuse for absence

Mr. Flick, (who is a physician) said he had a professional call to make, and as he supposed the house was about to adjourn, he had gone to meet his engagement

Mr Flick was fined twenty cents and excused

Mr Stephens then presented an apology for the sergeant at arms for his unparliamentary manner of communicating intelligence to the house, and everything was once more harmonious

ADJOURNMENT

The house at one o'clock p m, adjourned to February 3d, at ten o'clock a m

COUNCIL—21st DAY

GENERAL COMMENTS

While yet there is much left undone, the subject of adjournment begins to be broached A resolution in the house this morning cutting off new business after the thirty-sixth day gave rise to a discussion in which it was suggested that pay of members would be stopped after the thirty second day, as the appropriation would by that time be exhausted In the council a resolution to adjourn on the thirteen inst was presented, but not acted upon, a committee being appointed to wait upon the secretary and enquire into the state of the public finances

The gallant Captain Miner, of Clay county, has distinguished himself by the introduction of a bill granting suffrage to the ladies of the territory Council bill number fifty-one is the measure referred to and it is amendatory to section forty seven of chapter twenty seven of the political code, the bill providing that the word "male" shall be expunged from that section Should the captain's bill become a law all persons, male or female, who have resided a sufficient length of time within the territory, will be entitled to vote and to hold office

Mr Langness, the author of the local option bill which created so much excitement last week, has in preparation another bill upon the same subject, which he will introduce in a day or two It will contain stringent regulations concerning the sale of liquor and will provide that license shall not be issued for a less sum than $200 or $300 per year This measure will carry greater strength than the local option bill

Mr Gray, to day, gave notice of a bill which will undertake to attach to the third (northern) judicial district the counties of Lincoln, Minnehaha, Clark, McCook, Lake, Moody, Wood, Brookings, Hamlin, Deuel, Codington, Grant, Greeley and Stone Just how popular this measure will be with the people of those counties remains to be seen

Governor Howard sent to the legislative council to day his nomination for the various territorial officers which it is his province to name This afternoon, the council confirmed W H McVay of Yankton, as territorial treasurer, and D A Sherman, of Sioux Falls, as auditor The appointment of Mr Sherman, former territorial treasurer, to the office of auditor is a testimonial of the governor's confidence which completely exonerates that gentleman from the reflections cast upon him in the message of Governor Howard, which was submitted to the legislature on its assembling In this act, the governor says to the world in the most emphatic manner, that the error was his own The appointment of Capt W H McVay to the position of territorial treasurer could not have been improved upon He is one of the most successful financiers in the territory, and stands at the head of one of the best national banks in the whole country

Saturday, Feb 3—The council met at 10 o'clock a m and was called to order by the president

Prayer by the chaplain

Roll call showed all members present

The journal of Saturday's proceedings was read and approved

REPORTS OF COMMITTEES

Mr Cappett, from the committee on immigration, reported back house file No 23, asking an appropriation to remove obstructions from the Missouri river, and recommended its passage

Mr Kohr, from the committee on elections, reported back house file No 15, relating to qualifications for office, and house file No 20, to amend section 38 of chapter 27 of the political code, with a recommendation that they do not pass

Mr MacNider reported council bill No 24 correctly enrolled

Mr Ellis from the committee on counties reported back house file No 22, to amend section 36 of the justice code and recommended its passage

Mr Roberts, from the committee on judiciary, reported back council bill No 37 relating to rules of evidence in criminal cases, No 39, to repeal sections 43 and 44 of the penal code and recommended their passage also council bill No 45 to amend section 29 of chapter 39 of the political code, and council bill No 47, to amend sections 66 and 68 of ch pter 29 of the political code with a recommendation that they do not pass

The same committee reported back council bill No 44, amending sections 308 and 585 of the penal code, with amendments, and recommended its passage

Mr Wynn, from the committee on education reported back council bills No 11 and 21 relating to public education, with a substitute for the same, the passage of which is recommended by the committee

Mr Valentine, from the committee on territorial affairs reported back council bill No 48 relating to fees for the secretary of the territory in certain cases, with amendments and recommended its passage as amended, also house file No 28, a memorial asking for the repeal of certain sections of the United States statute, and recommended its passage

INTRODUCTION OF BILLS

By Mr MacNider, changing the boundaries of the counties of Emmons and Morton, and on his motion the rules were suspended and the bill passed

By Mr Wynn creating a school law for the territory of Dakota, which was read a first time

RESOLUTION

Mr Edmunds by consent, introduced the following resolutions

Resolved (the house of representatives concurring) That the legislative assembly adjourn without day on the 13th day of February, instant

Resolved That a copy of this resolution be transmitted to the house of representatives asking the concurrence of that body therein

Mr Edmunds stated that the money appropriated for the expenses of the legislative assembly will be exhausted by the date named in the resolution, but that the exact facts may be understood he moved that a committee of three members of the council be appointed to act with a committee of four members of the house to confer with the secretary of the territory in regard to the amount of funds in his hands This motion was adopted and Messrs Pettigrew Miner and MacNider were appointed as the council members of said committee

MESSAGE FROM THE GOVERNOR

The governor transmitted to the council a sealed message to be opened in executive session, also returned with his objections council bill No 19, relating to a change of place of trial in justices' courts The message was not read

CONSIDERATION OF HOUSE MESSAGE

The message from the house received on Saturday announcing the passage of council bills Nos 22 29 and 29, with amendments, was taken up

On motion of Mr Kuykendall, council bill No 22, was referred to a special committee of three

On motion of Mr Kuykendall the house amendments to council bill No 20 were concurred in

On motion of Mr Roberts, the council concurred in the house amendments to council bill No 29

SECOND READING OF BILLS

Council bill No 46, relating to revenue, was read a second time

Council bill No 51, amending section 47 of chapter 27 of the political code, had its second reading and was referred to the committee on elections

Council bill No 53, relating to compensation of clerks of the district courts was read a second time and referred to the committee on territorial affairs

FIRST READING OF BILLS

Council bill No 16—A bill for an act for the protection of stock and to regulate the branding and herding thereof Passed

Council bill No 37—Relating to the rules of evidence in criminal cases Passed

Council bill No 39—A bill for an act to repeal sections 43 and 44 of the penal code [These sections constitute what are known as the "blue laws"] The bill passed by the following vote Ayes—Messrs Cappett, Day, Kuykendall, MacNider, Roberts, Valentine and Mr President Noes—Messrs Edmunds, Ellis, Miner, Pettigrew, Rohr and Wynn

Council bill No 42—A bill for an act to fund the indebtedness of Union county, was read a third time and recommended to the committee on engrossment to correct certain clerical errors

Council bill No 45—A bill for an act to reduce the fees of jurors, was read a third time and rejected by a vote of noes 10, ayes 3

Council bill 47, amending sections 66 and 68 of chapter 29 of the political code The amendments increase the labor which each citizen is required to perform on the roads from one to two days The bill was lost, Mr Miner being the only one voting in the affirmative

Council Bill No 38—A bill for an act to prescribe fees for the secretary of the territory in certain cases, was read a third time and on motion of Mr Pettigrew was recommitted to committee on judiciary

Council bill No 44—A bill to amend section 308 and 385 of the penal code The amendments give justice of the peace final jurisdiction in assault and battery and petit larceny On motion of Mr Pettigrew the bill was recommitted to the committee on judiciary

EXECUTIVE SESSION

Mr Edmunds moved that the council go into executive session on the sealed message of the governor received this morning

Mr Miner moved that the council adjourn until 2 o'clock p m which motion was lost

Mr Edmunds' motion to go into executive session was amended, and 2 o'clock this afternoon set for the hour of holding the executive session

HOUSE BILLS

House file 27, authorizing school district No 1, in Richland county to issue bonds, and house file 37, a memorial asking for an increase of mail service from Canton to Milltown, were read a first time,

House file No 12, relating to fences and enclosures in the Black Hills, was read a second time, and referred to the committee on territorial affairs

House file No 5 relating to the employment of short hand reporters in the district courts, was read a third time and passed

Mr Day gave notice that he would move a reconsideration of the vote by which the bill passed

House file No 15, relating to the qualifications for office, coming up for its final passage, was defeated by a unanimous vote

House file 20, to amend section 38 of chapter 27 of the political code relating to compensation of judges of elections, was lost by a vote of 12 noes to 7 ayes

House file No 22, to amend section 36 of the justice code Passed

House file No 23, asking for an appropriation to remove obstructions from the Missouri river at Vermillion

Mr Edmunds said he would like to know whether the passage of the memorial would not be a recognition by this body of its confidence in the liberality of congress If such would be the construction he hoped the memorial would not pass as congress had shown no liberality towards this territory, no even appropriating enough money to pay the expenses of the legislature assembly

Mr Pettigrew said he was opposed to the passage of any and all memorials asking any favors of the general government All our requests in that direction have been treated with silence or contempt, and he did not wish to place himself in the attitude of a suppliant when he knew the application would not meet with favor or even respectful consideration

On calling the ayes and noes the memorial passed by ayes 12 noes 1—Mr Pettigrew casting the negative vote

House No 28, a memorial praying for the repeal of certain sections of the United States statutes Passed

RECESS

On motion of Mr Pettigrew the council took a recess until 2 o'clock p m

HOUSE—21st DAY

The house convened pursuant to adjournment, at ten o'clock a m

Mr Speaker in the chair

Prayer by the chaplain, Rev J P Coffman

Roll call showed all members in their seats, excepting Mr Whitfield, excused, and Mr Flick

The journal of Saturday's session was read and approved

COMMITTEE REPORTS

Mr Gray, from the committee on railroads, reported back house file three—a bill to amend chapter three of title two of part three of division second of the civil code, and provide for the organization of railroad corporations, to regulate the operation thereof—with sundry amendments and recommended its passage Mr Gray moved that it be referred to the committee of the whole and made a special order for Tuesday at eleven o'clock a m So ordered

THE SERGEANT AT ARMS

Mr Gamble moved that a special committee of five be appointed, with power to send for persons and papers to ascertain whether or not the sergeant-at arms took dinner, Saturday, during the call of the house

The motion was adopted, and Messrs Gamble, Stephens, Gray, Burbank and Flick appointed as such committee

NOTICE OF BILLS

By Mr Langness—A bill to regulate the sale of intoxicating liquor

By Mr Weeks—Providing for the levy of a tax for county purposes

By Mr Gray—To annex certain counties to the third judicial district

By Mr Gray—To authorize the county of Burleigh to issue bonds for building a court house

INTRODUCTION OF BILLS

H F No 41—By unanimous consent a memorial to congress concerning surveys and appropriations therefor

Under a suspension of the rules the memorial had its several readings, and was passed by unanimous vote

COUNCIL MESSAGE

A message was received from the council announcing the reference of council bill twenty eight to a special joint committee consisting of the Yankton county members This is Mr Wynn's bill amending the charter of Yankton

FROM THE GOVERNOR

A special message received from Governor Howard, through his private secretary, General Beadle, transmitted to the house a special message embodying the report of the special agent to arrange for the temporary care of the insane

COUNCIL BILLS

The following council bills had their second reading and were referred as indicated

C B 32—to the committee on territorial affairs It provides for locating the county seat of Grand Forks, county at Grand Forks, the record of a previous location having been accidentaly destroyed

C B 33—to the judiciary committee, on motion of Mr Stephens It amends section one of chapter seventeen of the political code and relates to notaries public

C B 35—to the committee on education, on motion of Mr Brown It amends the act creating a board of education for the city of Vermillion

C B 43—to a committee of one, consisting of Mr Gray, on motion of Mr Stephens It provides for attaching the counties of Wallette and Mountrailie to Burleigh county for bridge corporation purposes

Council bill thirty, authorizing district No 2 of Grand Forks county to issue bonds for the purpose of building a school house, came up for its third reading and final passage, and passed by a vote of 20 to 3, Messrs Fockler, Johnson and Peterson voting in the negative The title of the bill was agreed to

HOUSE BILLS

The following bills had their second reading and were referred as indicated

H F No 38—to judiciary committee, on motion of Mr Stephens It provides that taxable property shall be assessed on the 1st of February of each year and at its full value

H F No 39—to judiciary committee, on motion of Mr Cross This is a bill to amend the statutes so that each county treasurer shall be entitled to a copy of the revised codes, and that each county clerk shall not be entitled to one also that each member of each board of county commissioners shall be entitled to a copy of the same

H F No 40—laid over until to-morrow It provides that any person who shall maintain a ferry for profit without procuring a license therefor shall be guilty of a misdemeanor, that all ferry licenses shall give the persons holding them exclusive privilege for a distance of two miles up and down the stream that persons carrying passengers or goods in a skiff scow or boat with out a license shall be guilty of a misdemeanor

House file three, Mr Gray's railroad bill, reported back from the committee on railroads, was made the special order for to morrow at eleven o'clock a m

MOTIONS AND RESOLUTIONS

Mr Burbank presented the following resolution and moved its adoption

Resolved, That no house bills shall be introduced after the thirty sixth day of the session

Mr Gamble moved as an amendment to Mr Burbank's motion that the resolution lie on the table until to morrow Lost

Mr Gamble moved to amend the resolution by substituting "thirty second day" for "thirty sixth" day

Mr Burbank moved that the amendment be laid upon the table So ordered

The resolution then came up under a call of the previous question and was adopted by a vote of 23 to 1, Mr Stephens voting in the negative

THE GOVERNOR'S MESSAGE

The special message of Governor Howard was then taken up and read as follows

TERRITORY OF DAKOTA,
EXECUTIVE OFFICE,
Yankton Feb 3 1879

To the House of Representatives of the Territory of Dakota I transmit herewith the report of Hon D A Sherman special agent to negotiate with the authorities of the state of Minnesota for an extension of the time for removing the insane of the territory It will be seen that his mission was successful so far as their local board had power to act The time for removing them was extended until the regular meeting of the board sometime about the 15th of April When their board shall be together in full session the time may be further extended so as to embrace the whole sixty day asked for, but every consideration of good faith requires that we should relieve the authorities of that state of the earliest moment possible Your attention is called to the fact that one patient is at St Peters from the Black Hills who is reported to be entirely cured Provision shall be made for returning him here at once and thus relieve the territory from the expense of his keeping The expense should be paid by the county

WM A HOWARD
Governor

SPECIAL AGENT SHERMAN'S REPORT

To His Excellency, Gov Wm A Howard, Yankton, D T—DEAR SIR As the duties of agent of the territory, by act of the legislature, 27th ult, to make necessary arrangements with the authorities of Minnesota for the temporary care and keeping of the insane, in accordance with your special message to that effect, I have the honor of submitting the following report

Your letter to Gov Pillsbury was by his excellency referred to the trustees of the asylum, a majority of whom reside at St Peter A visit to the institution at that place, inspection of its management, and conference with its officers, reveals the following facts

That our patients from Dakota 18 in number, are receiving the best of care and attention, are on the same footing, and enjoying the same privileges as patients from the state of Minnesota

That the authorities in so doing have put themselves to great inconvenience during the past few months owing to the increased number of patients from their own state and the lack of accommodation for them

That the people of this territory are under the deepest obligations to the authorities of Minnesota, for the spirit of accommodation they have manifested in this matter, and for the patient manner in which they have borne with us, in view of our extremity

The completion of a building at Rochester, Minn, and the recent removal of 50 patients from St Peter to that place relieves temporarily their overcrowded condition

It is estimated that the capacity of both institutions at Rochester and St Peter by crowding them all that is consistent with the welfare of the patients is 700 They have now in both places 674 including our own

The increase in the number of patients as shown by their records, averages nearly 8 per month, so that it is a question of about 90 days when they will again be crowded for room unless the legislature of that state, now in session, make some provision for the erection of another building or addition, which it is not considered likely they will do

The trustees express themselves as disposed to further favor us to the greatest extent possible, but in view of their own needs earnestly desire the removal of our insane at the earnest practicable moment

In closing I wish to add a word in appreciation of the courteous manner in which your agent was received for the attentions shown him and for the hearty sympathy expressed for the welfare and prosperity of the bordering state of Dakota

Respectfully,
E A SHERMAN,
Special Agent.

On motion of Mr Gamble, the message and accompanying report was referred to the committee on charitable and penal institutions

ADJOURNMENT

On motion of Mr Stephens, the house, at 11 10 a m, adjourned to ten o'clock a m February 4th

COUNCIL—22d DAY

GENERAL COMMENTS

The bill designed to give Clay county permission to erect public buildings at its county seat went down to inglorious defeat in the house this morning, through the efforts of Mr Cross An hour or so after it was killed a delegation from northern Clay county arrived to lobby against the measure, but Mr Cross had been too sudden for them and had squelched the measure before they had a chance to put in their work The strongest opposition to the bill comes from the Lodi region and it is clear to be seen that they have themselves an eye on the county seat and do not want any permanent improvements to stand in the way when the time comes The delegation which arrived to day are now at work to defeat the measure for the relief of the bondsmen of ex Treasurer Simonson They say that Clay county's people do not want this bill passed and they further state that two members of the lower house are on the bonds of Mr Simonson

House file number three, Mr Gray's railroad bill, has occupied the attention of the house in committee of the whole most of the day The bill is taken up by sections and carefully discussed The general sentiment is favorable to the bill as a whole, though there is a disposition to throw in a few amendments

The council has not yet reported a confirmation of superintendent of public instruction, and the inference is that it is waiting upon the result of an investigation now in progress, in which territorial educational matters are somewhat mixed up It certainly cannot be suspected that, at this stage of our progress as a territory, there is a disposition to do away with a position which above all others is important to our people

To the surprise of a great many people of both sexes, Capt Miner's woman suffrage bill passed the council this morning, by a vote of seven to six The bill has been looked upon as a huge joke, and the public had hardly given it a serious thought But in its present shape the query arises, will it pass the house? and to this interrogatory no one can give a definite answer The house has not been canvassed upon the subject and as there are many silent members therein it is difficult to tell what they are sometimes thinking about The bill will be transmitted to the house to-morrow

Wednesday, Feb 4—The council met pursuant to adjournment, and was called to order by the president

Prayer by the chaplain

Roll called, members all present

Minutes of yesterday's meeting read and approved

MESSAGE FROM THE HOUSE

A message from the house informed the council that the house had passed council bill No 30, authorizing school district No 2 in Richland county to issue bonds also, house file No 41, a memorial to congress concerning the system of public land surveys and compensation for the same, and asking the council to concur therein

REPORTS OF COMMITTEES

Mr Cappett, from special committee reported back with amendments council bill No 34 providing for the bonding and government of a territorial penitentiary, and recommended its passage

Mr Day, from the committee on highways and bridges, reported back with amendments council bill No 41, to establish a wagon road from the northern corner of the Yankton reservation to Brule city, and recommended its passage

Mr Rohr, from the committee on elections, reported back council bill No 51, to amend section 47 of chapter 27 of the political code, and recommended its passage

Mr Valentine, from the committee on territorial affairs reported favorably council bill No 38, providing for the organization and government of civil townships

Mr MacNider, from the committee on enrollment and engrossment, reported council bills Nos 31 and 42 correctly enrolled and engrossed

Mr Roberts, from the judiciary committee, reported council bill No 23, to modify the exemption law, with amendments and recommended its passage, council bill No 44, to amend sections 308 and 585 of the penal code, with amendments, and recommending its passage, council bill No 48, prescribing fees for secretary of the territory, without recommendation, and house file No 8, to amend section 336 of the code of civil procedure, with amendments, and recommended its passage

MOTIONS

Mr Day moved a reconsideration of the vote by which house bill No 5, relating to the employment of short hand reporters, was passed yesterday

Mr Roberts moved that the motion to reconsider lie upon the table, which motion was lost

Mr Day's motion was then adopted

Mr Cappett moved that the bill be indefinitely postponed

Pending discussion on this motion, Mr Miner moved that the bill be referred to the committee on railroads, which motion prevailed

NOTICE OF BILLS

By Mr Valentine—To amend chapter 39 of the civil code

INTRODUCTION OF BILLS

By Mr Rohr—A bill for an act

By Mr Kuykendall—A bill for an act for the appointment of a fire warden for the town of Deadwood and for other purposes

Which bills were read a first time,

THIRD READING AND PASSAGE OF BILLS

Council bill number 52 to establish a board of education for the village of Sioux Falls Passed

Council bill No 23, to amend sections 324 and 325 of article 13 of the code of civil procedure, being a bill to modify the exemption law, was read a third time and the question being on its passage the ayes and noes were called with the following result

Those voting in the affirmative were Messrs Day, Kuykendall, Pettigrew, Roberts, Valentine and Mr President—6

In the negative, Messrs Cappett, Edmunds, Ellis, Miner, MacNider, Rohr, and Wynn—7 So the bill was lost

Mr Rohr moved that the vote by which the bill was lost be reconsidered and that the motion to reconsider lie on the table, which motion prevailed

Council bill No 34, to provide for the building and government of a territorial penitentiary, coming up for its final passage, Mr Roberts moved to make the bill a special order in committee of the whole at 11 o'clock on Saturday

Mr Pettigrew moved as an amendment that the council immediately go into committee of the whole on the bill, which amendment prevailed, and the council accordingly went into

COMMITTEE OF THE WHOLE

on the bill under consideration with Mr Edmunds in the chair

The first section of the bill was read, and Mr Miner opposed the provision of the section which gives to the governor the power to appoint the officers of the penitentiary He thought the legislature, whose members are fresh from the people, was better able to judge of the kind of men who should manage the affairs of the penitentiary than a carpetbagger who has little acquaintance with the people Mr Miner also opposed the location of the institution He thought it ought to be built in the common by which furnished the most criminals, and therefore moved to amend section one by striking out Sioux Falls and inserting Deadwood, but the majority of the council did not see it in that light, and the amendment was lost

Mr Day moved that the penitentiary be located at Bon Homme in Bon Homme county, and supported his motion by stating that by the enactment of a former legislature the town of Bon Homme was designated as the site of the territorial penitentiary, and also that he held pledges from responsible parties agreeing to donate all the land necessary for the institution But his motion did not prevail and the first section was recommended to be adopted

When the committee had proceeded as far as section nine, on motion of Mr Wynn, the committee rose, reported progress, and asked leave to sit again

On motion of Mr Pettigrew, the report of the committee of the whole was adopted, and the further consideration of the bill made a special order at 11 o'clock to-morrow

THE FINANCIAL QUESTION

The president laid before the council a letter from the secretary of the territory, stating that he has money enough to pay the expenses of the legislative assembly for thirty-two days, and no more, that in his opinion no deficiency appropriation can be procured, and that if the legislature remained in session more than thirty-two days, the additional expense would have to be paid out of the territorial treasury

On motion of Mr Edmunds, the communication was referred to special committee appointed yesterday to ascertain the condition of the funds available for the expenses of the legislature

AN ATTEMPT TO ADJOURN

Mr Roberts moved that the council take a recess until 2 o'clock p m Lost

A motion to adjourn was also lost, when council resumed consideration of the

REGULAR ORDER

The consideration of bills on third reading was resumed, and council bill No 38, providing for the organization and government of civil townships, was passed

Mr Miner moved to adjourn Lost.

Council bill No 51, to establish a wagon road from the northeast corner of the Yankton reservation to Brule City Passed

Council bill No 42, to fund the indebtedness of Union county Passed

Council bill No 44, to amend sections 308 and 584 of the penal code This bill gives justices of the peace power to hear and finally dispose of cases of assault and battery, and petit larceny The bill having been reported back by the committee on judiciary with amendments, and as the amendments had not y

Press and Dakotaian

Thursday, February 6, 1879.

CITY AND VICINITY

LOCAL LACONICS.

Capt J B Raymond has bought the house on Walnut street, owned and occupied by S N Folyer

A strong lobby is gathering in Yankton in the interest of the Rapid City side of the Black Hills court location bill

County Surveyor Van Antwerp has completed the field work of the survey of the Missouri river between Yankton and the Clay county line.

Sioux Falls Pantagraph The Yankton Press is doing by all odds the best work ever done in the territory in reporting the proceedings of the legislature.

The United States government has finally signed the papers and money seized by military force, at the instance of Hammond and Dougherty, from Dr. Livingston, the attorney general deciding that the seizure was illegal

The warm sunshiny weather of the past several days has apparently induced some of our people to think that spring time has come, and they have commenced to rake their gardens burn their rubbish, and otherwise prepare for the season's gardening campaign

Gottlieb Shanfelder is the name of the man who hung himself Wednesday afternoon out on the Bon Homme road On Sunday night his house burned down and he was in low spirits from the time of the disaster Coroner Etter held an inquest yesterday, but the jury has not yet agreed upon a verdict, pending which any particulars of the affair might be premature

A man by the name of Schenfield, residing eight miles west on the Bon Homme road, committed suicide about five o'clock yesterday afternoon, by hanging himself The particulars of the affair have not yet reached us, excepting that he was found hanging in his brother's granary, and was dead when discovered He was an unmarried man, and lived with his brother Coroner Etter went out to-day to hold an inquest

Vermilion Republican The February term of the Clay county district court will convene in this city next Thursday, Chief Justice Shannon presiding At this term Alfred M Flagg will commence his duties as district attorney The civil calender is of the usual length Five indictments, as follows await trial —Three for a sault and battery, one for adultry, and one for assault and attempt to commit rape

PERSONAL.

Tuesday's Daily

H B Beaman arrived last night from Deadwood

Judge Campbell will leave for the Hills next week

Simon Eiseman came up from Council Bluffs yesterday

Capt McVay and Asel Kyes have returned from their eastern trip

Judge A. H Barnes arrived last night from Fargo and will sit with Judge Shannon on some supreme court cases

Swan Lake Ert Rev J P Coffman, who has been living near Finlay during the past season, has moved to Yankton for the winter Mrs C and the children are visiting in Iowa. The people of this section are pleased with the legislative plum which the house of representatives threw to this place—and Mr Coffman is the right man to receive it

Geo H Stoddart has returned to Lake Kampeska, where he will spend the balance of the winter

Charles E Simmons, attorney of the Chicago & Northwestern railroad company, is in town again on legislative business

Friday's Daily

Robert Cox arrived last night from St Louis

W P Carr, of Vermillion, is in town to day

Judge L S Bayless has been seriously indisposed but is better now

Fred T Evans, of Sioux City Ft Pierre, Deadwood, *et al* is rusticating in Dakota's capital for a day or two

Judge Shannon and District Attorney Flagg came up from Elk Point last night having finished court business there

IMMIGRATION MATTERS

A Correspondent Who Wants the Governor's Suggestions Followed Out If Nothing Better Can Be Done

Editors Press and Dakotaian —SIRS—The subject of immigration seems to be one of interest to the people of all parts of the territory judging from the communications from all sections asking that something be done by the present legislature in this matter. We also are of the opinion that something should be done and would ask the privilege of giving our views on this subject, which may not differ much from the plan suggested by our worthy executive in his message to the legislature We believe that plan to be plain, practical and efficient, and at the same time inexpensive A perfectly competent person can be found in each judicial district of the territory who is already engaged in business, but who can and will devote all the time necessary to perform faithfully the duties of "commissioner of immigration" as contemplated by this plan without neglecting his own business As a compensation for the time required for answering letters, preparing and publishing documents and mailing them to correspondents a small salary of $100 per annum should be allowed It would likely be worth more than that sum but good men can be found who will do it faithfully for that sum For the purpose of publishing documents let the legislature appropriate the sum of $200 annually, and whatever sums of money may be needed besides that let the commissioner raise by inserting a few judicious advertisements in his pamphlet or paper as the case may be The advertisements are a correct index of the degree of advancement of the country and are read by immigrants as eagerly as any portion of the papers One hundred dollars will supply the commission office with postage stamps and stationery for one year, making the total expenses per year for each district four hundred dollars, several hundred dollars additional to that appropriated by the legislature would very likely be raised by advertisements and expended in the publication of documents It might be a judicious expenditure of money to advertise the territory in several of the leading papers of the east but an inexpensive and successful way of getting the address of eastern people intending to emigrate is to call upon the citizens of the territory through the local papers to furnish the commissioner with a list of the names and address of their eastern friends In this way a large list of names could be obtained, to whom documents could be sent with a reasonable hope of success. Hundreds of letters are received now by the various officials of the territory who have no time nor disposition to answer them. These letters should certainly be respectfully answered and if turned over to the commissioner could be easily and satisfactorily answered We have here given the outline of a plan for a department of immigration that is not expensive and if properly carried out would be eminently successful It the legislature feels like appropriating a much larger sum for immigration purposes, certainly we shall not object, but we do hope the members will carefully consider the suggestions contained in the message of Governor Howard before they shall deliberately decide to do nothing for immigration at this session

J

IMMIGRATION TO DAKOTA.

The Situation Seems to Demand Extensive Encouragement—Some Suggestions By a Correspondent Who Is In Earnest About It.

Editor of Yankton Daily Press—SIR The portion of the governor's message which dealt with the subject of immigration was commended in your leading column as eminently sound in every particular I must confess, however, that I was a good deal disappointed in turning to the message itself to find that this eminently sound proposition consisted of—what? Why, that three authorized agents should be appointed at a salary of $100 each, and an allowance of $233 for expenses That means that each of three gentlemen shall give $100 worth of his time and ability, on his own estimate, to the compilation of a pamphlet about the resources and advantages of his district, and get it as well printed and translated into various languages, circulated and advertised, as he can for $200 more—not enough to pay for the translation alone—after which he will retire to resume a more remunerative employment, and those whom his pamphlets and advertisements may induce to make inquiries about the territory will seek in vain for any one to answer them There will be no one to apply to any more than if no agent had ever been appointed

This scarcely seems the way to encourage immigration to the extent which the case demands We want men who will distribute in all parts of America and Europe such descriptions of the inducements offered to immigrants as shall compel attention, men who shall answer the flood of questions and applications from Americans and foreigners which their pamphlets and circulars ought to provoke, men who will help those who have already settled here to show the friends they have left behind what a good land they had found, and to tell their friends the best and easiest way of following their example The wrighting of a pamphlet is really the smallest part of the work which a good agent ought to accomplish

If our state and territorial legislatures had an adequate perception of the enormous benefits which would accrue from a more rapid settlement of this western country they surely would do more to promote immigration than they do Could not the agents be paid a liberal allowance per head for *bona fide* settlers to stimulate their zeal? And could not some system be contrived so that the intending immigrant on payment of a small fee might obtain precise information respecting the unoccupied lands, and on payment of earnest money might have a quarter section secured to him for sufficient time to allow him to come out and take it up? Assuredly the very least that ought to be done is the appointment of men well qualified by a general knowledge of the subject and by such special and precise knowledge as they can obtain by visiting and thoroughly examining for themselves the section of territory allotted to their re-pective agencies in order that they may be able to answer all reasonable questions and applications orally or in writing, as the case may be It is needless to say that such agents cannot be obtained for a $100 a year Ten times this sum paid to able and energetic men would soon repay the territory a hundred fold

To conclude, let it be remembered that there is no time to be lost Every day at this season of the year is valuable, and unless something more than has yet been officially proposed is done, and that speedily, another year will be lost, and other lands will obtain the immigrants who might have been led to Dakota K

Valley Springs, Dakota, Jan 26, 1878

JIM RIVER JOTTINGS

A Commotion Over the Consolidation Proposition - A Word About Exemption and Bon Homme County Matters

Correspondence Press & Dakotaian

The valley is in a terrible commotion about the consolidation of counties I find no person in favor of it A few who anticipate that the county seat might be located upon their hundred and sixty by the consolidation speak as though it would be better to consolidate, but their chirp is very weak, whilst those who oppose it openly are very violent

The great mistake was made by our former legislature, in increasing exemption The law was liberal and no person asked an increase of property to be exempted It did almost convince us that the legislators make the increase to cover their own waywardness Rest assured that the man who now reduces the amount of the present exemption will be a dead cock in the political pit

Rumor says that the Springfield representatives (Bon Homme county people know them only by the title) will again try their hand to remove the county seat from Bon Homme to that much envied city It might do to move the court house but not the jail, as it would require a strong guard to lead the prisoners to the river to water and wash From the promises made by the vote hunters of Springfield we supposed that no action by their representatives would be taken at this time If it be done, even embodying in the bill the power by a majority vote, the result will be that no move will be made and the county will be put to a useless expense and the dry lots of Springfield remain unwatered (Gentlemen of Springfield, measure off and stitch up some legislation, that will bring peace and comfort to your constituents instead of strife and jealousy, stop horse stealing, and prairie fires if you can, by some severe legislation, and we will ever pray

DUEL, GRANT, CODINGTON AND HAMLIN.

Editors Press and Dakotaian —You in your issue of yesterday, copied an article from the Inter State, demanding that the counties of Duel Grant, Codington and Hamlin shall be represented in the new apportionment

Permit me to say that the insinuation in that article that the present legislature is disposed to disregard the rights of these counties is an unwarranted assumption, discourteous to the legislature, and especially unjust to the house And more, the article does a flagrant injustice to the man who is here as their representative spending his time and money to promote the interest of these counties

The present legislature is in no way responsible for the disfranchisement of these counties but is doing all that is possible to correct the injustice that has been done them The house by a unanimous vote, admitted the representative of the counties to a seat and a voice in that body, and the members of both houses have unimformly assured him that in the new apportionment, the people of that district shall have all the representation they can claim under a just apportionment

If the Inter-State would represent the sentiments of those who support it, it should thank the legislature for the marked courtesy already extended to their representative, and the assurance given that full justice shall be done, and not insinuate that there is a disposition to do his people a further wrong E. S WICKLIN

The Centaur Liniments are of two kinds The **White** is for the human family, the **Yellow** is for horses, sheep and other animals Testimonials of the effects produced by these remarkable Preparations are wrapped around every bottle, and may be procured of any druggist, or by mail from the Office of THE CENTAUR COMPANY, 46 Dey Street, New York City

DAKOTA LEGISLATURE.

Proceedings of the Thirteenth Session

COUNCIL—16TH DAY.

GENERAL COMMENTS

The consideration this morning in the council of the bill to modify the exemption law, developed an apparent majority opposed to its passage, and a decided disposition to dispose of it by an indefinite postponement, thus avoiding a direct vote on the question of its passage The motion to indefinitely postpone was characterized by Mr Roberts as a means of killing the bill and at the same time shirking the responsibility of a direct vote, pro or con Considerable sharp parliamentary practice was indulged in, and finally, while a motion to order the previous question on the motion to indefinitely postpone was pending, the council adjourned, without disposing of the troublesome customer In favor of the passage of his bill Mr Day this morning presented two petitions from citizens of Bon Homme county, which, however, were not read The petitions contain over one hundred names, principally farmers, and their petition declares that the proposed modification of the law would be for the "benefit of all good, honest and law-abiding citizens of the territory" The bill will come up in the council to-morrow in the regular order

A bill was introduced in the council yesterday by Mr Day for the repeal of sections 43 and 44 of the penal code These sections embody what are designated as the "Blue laws' of our code, and make all travel on Sunday, for pleasure or recreation, a crime punishable by fine The provisions of the section are repugnant to the general public idea, and as they are practically a dead letter, the bill for their repeal will, we apprehend, meet with little opposition

The local option bill had its run in the house this morning and a very successful one it was, the opposition being able to muster only eight votes on the final passage It now goes to the council, but will probably be defeated, as it does not there possess the original strength which gave it such force in the house The bill amended establishes absolute prohibition in the unorganized counties There was a considerable attendance of ladies this morning though not so large as yesterday

There was found upon the desks of members this morning a printed remonstrance against the passage of Mr Brown's proposed bill for the consolidation of Jim river counties The remonstrance related wholly to contemplated changes in the boundaries of Hand county and was signed by sixty nine taxpayers of that county Mr Brown does not attach much significance to the remonstrance and manifests an intention to put in his bill at the proper time

Wednesday, Jan 29 —The council met at 10 o'clock a m and was called to order by the president

Prayer by the chaplain

Roll called, members all present

The minutes of yesterday's proceedings were read and approved

Mr Day presented two petitions from citizens of Bon Homme county, asking for the passage of the bill now before the legislature, for the modification of the exemption law

Mr Wynn, from the committee on education, reported back house file No 2 without recommendation, and council bill No 35, recommending its passage

Mr Roberts from the judiciary committee reported back council bills No 23 and 27, without recommendation, council bill No 33 with amendments, and house files Nos 5, 8 and 9 with a recommendation that they pass

Mr Ellis, from the committee on counties, reported back council bill No 32, and recommended its passage

Mr Wynn moved that the select committee to examine the books and accounts of the territorial auditor, and to ascertain the amount paid for printing during the past two years, be increased from three to five

A rising vote was taken on the motion, and resulted in Messrs Edmunds and Wynn voting in the affirmative, and Messrs Day, Kuykendall and Roberts in the negative, so the motion was not adopted

INTRODUCTION OF BILLS

By Mr Kuykendall—A bill for an act to establish a territorial wagon road from the northeast corner of the Yankton reservation to Brule City in Brule county

By Mr Rohr—A bill for an act to fund the indebtedness of Union county

By Mr. MacNider—A bill for an act to attach the counties of Wallette and Montraille to Burleigh county for certain purposes

By Mr Day—A bill for an act to amend sections 308 and 585 of the penal code

FIRST READING OF BILLS

Council bill No 40—A bill for an act defending the boundaries of certain counties in this territory

Council bill No 41—A bill for an act to establish a territorial wagon road from the northeast corner of the Yankton reservation to Brule City in Brule county

Council bill No 42—A bill for an act to fund the indebtedness of Union county

Council bill No 43—A bill for an act to attach the counties of Wallette and Montraille to Burleigh county for certain purposes

Council bill No 44—A bill for an act to amend sections 308 and 585 of the penal code

A message from the house announced the passage by that body of house files No. 13 and council bill No 19, and the defeat of council bill No 12

THIRD READING OF BILLS

Council bill No 23—A bill for a act to amend sections 324 and 325 of the code of civil procedure, was read a third time [This bill proposes a modification of the exemption law]

Mr Miner moved that the bill be indefinitely postponed, which was seconded by Mr. Ellis.

Mr Roberts hoped the motion would not prevail He looked upon the bill as an important one and upon the subject matter of which members of the council had strong and positive views The effect of the motion, if adopted, would dispose of the bill in such a manner as to permit certain members to shirk the responsibility of placing themselves on record either for or against it, and he therefore hoped that the motion to indefinitely postpone would be voted down

Mr Day also spoke against the motion, and wanted the bill to take its regular order He desired to speak in favor of the bill, and presumed other members also desired to be heard for or against it Petitions from the people had been presented asking for the modification of the law, and he desired the bill to come to a direct vote, and not be thrown aside as unworthy of consideration

Mr Cuppett said that this question of exemption was one that was fully discussed by the people, every man had positive views in regard to it, and he believed was willing to express them

Mr Miner said he was in favor of the present exemption law, and was opposed to reducing or increasing it

Mr Valentine moved that the further consideration of the bill be postponed until 2 o'clock p m next Saturday, and that it be made the special order for that hour

Mr Rohr moved the previous question on the motion to indefinitely postpone, but before this motion was seconded,

Mr Day moved to adjourn, which motion prevailed, and the council was accordingly declared adjourned until 10 o'clock to-morrow morning

HOUSE—16TH DAY,

The house met, pursuant to adjournment, at ten o'clock a m

Mr Speaker in the chair

Prayer by the chaplain, Rev J P. Coffman

Roll call showed all members in their seats

The journal of yesterday's session was read and approved

EXCUSED

Mr Brown asked to be excused until Monday, in consequence of sickness, and, on motion of Mr Langness, he was so excused

Mr Gamble moved a reconsideration of the vote by which council bill seventeen was indefinitely postponed So ordered.

On motion of Mr Gamble, the house went into committee of the whole on council bill seventeen, Mr Stephens in the chair.

A message was received from the council, announcing the passage of council bill thirty one

After consideration of council bill seventeen the committee rose and reported a recommendation that the bill pass without amendment.

On motion of Mr Gray, the report of the committee was adopted

Council bill seventeen then passed to its third reading and final passage and was passed by a vote of 13 to 8

INTRODUCTION OF BILLS

By Mr Burbank—House file 27—For an act authorizing school district number one, Richland county, to issue bonds to build a school house

By Mr Burbank—House file 28—A memorial to congress praying that section 2294 of U S statutes be amended and that sections 2262, 2290 and 2263 of the U S statutes be amended

COUNCIL BILLS

Council bill thirty one had its first reading

The following council bills had their second reading and were referred as indicated

Number seven—judiciary committee, on motion of Mr Stephens

Number eighteen—committee on mines and mining, on motion of Mr Stephens

Nuber twenty-five—committee on counties and townships, on motion of Mr Gamble

Number twenty six—committee on insurance, banks and banking, on motion of Mr Gray

Number thirty—committee on——

——, on motion of Mr Langness

Number one came up for its third reading and passage and was so read and passed by the unanimous vote of the house

Number fifteen came up for third reading, was so read and referred to the judicary committee, on motion of Mr Gamble

HOUSE BILLS

The following house bills had their second reading and were referred as indicated

Number twenty—committee on judiciary, on motion of Mr Flick

Number twenty-one—committee on territorial affairs, on motions of Mr Stephens

Number twenty two—judiciary committee on motion of Mr Fockler

Number twenty four—to special committee, on motion of Mr Whitfield

Number twenty six—committee on territorial affairs, on motion of Mr Whitfield

House file number twenty three was, under a suspension of the rules, on motion of Mr Cross, read a third time and passed by unanimous vote

THE LOCAL OPTION BILL

House file number four, Mr Langness' local option bill, came on for action upon the report of the committee of the whole at 11 20 o'clock a m The report of that committee was that the bill pass, with amendments

Mr Stephens moved that the measure be indefinitely postponed and called for the ayes and noes

The ayes and noes being ordered the motion was defeated by the following vote

Ayes—Messrs Burbank, Flick, Gamble, Gunderson Mauksch, Shelv, Stephens—7

Noes—Messrs Brown, Cross, Fockler, Gray, Helvig, Hoyer, Hoyt, Huseboe, Johnson, Langness, Simonson, Stewart, Trygstad, Walton, Webber, Weeks, Whitfield, Mr Speaker—19

Mr Fockler moved that the report of the committee be adopted, So ordered

The bill then came up for final passage

Mr Gamble made a lengthy argument in opposition to the measure as being an effort to create a law which would be inoperative and ineffectual

Mr Gray was called to the chair and the speaker took the floor and spoke in favor of the bill He promised that it would pass the house and pass to day

The previous question was ordered and the question was on the passage of the bill

The ayes and noes were called and the bill passed by the following vote

Ayes—Messrs Brown, Cross, Fockler, Helvig, Hoyer, Hoyt, Huseboe, Johnson, Langness, Peterson, Simonson, Stewart, Trygstad, Watton, Webber, Weeks, Whitfield, Mr Speaker—18

Noes—Messrs Burbank, Flick, Gamble, Gray, Gunderson, Mauksch, Shely, Stephens—8

Before the vote was announced, Mr Stephens changed from no to aye

On motion of Mr Gamble the title of the bill was amended to conform to the amendments in the bill

Mr Stephens gave notice that he would move a reconsideration of the vote by which the bill was passed

On motion of Mr Jackson, the house at 12 25 p m, adjourned to ten o'clock a m, January 30th

COUNCIL—17TH DAY

GENERAL COMMENTS

In our yesterday's report we stated that Mr Brown, of the house, asked to be, and was, excused from attendance until next Monday This was an error on the part of the reporter Mr Brown asked to be excused for non attendance on Monday last, and was so excused In the confusion which existed at the time, the reporter misinterpreted Mr Brown's request

The bill upon which a call of the house was made this morning and a final adjournment effected without a vote being reached is Mr Kuykendall's bill, permitting any rate of interest which may be contracted upon between parties Mr Kuykendall is a member of the council from the Black Hills and when the bill came to a vote in the house it was discovered that the two house members from that district were absent Without deeming this an intentional act upon their part, the house thought it advisable to procure their views upon the bill, as it was made more particularly for the benefit of their district, and the sergeant at arms was sent out to bring in Mr Flick and Mr Whitfield He failed to find the former, whereupon the house adjourned without action upon the bill, in order to give the Black Hills members an opportunity to cast their votes upon the measure

A bill was introduced to-day by Mr. Gunderson, of Clay county, providing for the relief of the bondsmen of R J Simonson, an ex treasurer of Clay county, whose money and books were destroyed by fire The bill authorizes the commissioners of Clay county to credit Mr Simonson with something over $3,000, the amount of his shortage It was introduced by Mr Gunderson upon the petition of sixty nine citizens of Clay county

Thursday, Jan 30 —The council met at 10 o'clock a m and was called to order by the president

Prayer by the chaplain

Roll call showed all members present

The journal of yesterday's proceedings was read and approved

PETITIONS

Mr Day called for the reading of the petitions presented by him yesterday, and they were accordingly read The petitions advocate the modification of the exemption law

On motion of Mr Wynn, the petitions were placed on file

INTRODUCTION OF BILLS

By Mr Wynn—A bill for an act to amend section 20 of chapter 39 of the political code.

By Mr Cuppett—A bill for an act to amend chapter 28 of the political code, entitled "Revenue," passed at the 12th session of the legislative assembly.

By Mr Miner—A bill for an act amending sections 66 and 68 of chapter 29 of the political code

By Mr Kuykendall—A bill for an act to prescribe fees for the secretary of the territory in certain cases

By Mr Day—A bill for an act providing for the publication of certain local laws in the German language and making an appropriation for the same

By Mr Cuppett—A bill for an act authorizing the counties of Lincoln, Turner, Moody, Minnehaha, Grand Forks, Traill, and Pembina in Dakota territory, and organized townships, towns and cities therein to issue bonds to aid in the construction of railroads in said counties, townships, towns and cities

FIRST READING OF BILLS

Council bill No 45—A bill for an act to amend section 20 of chapter 39 of the political code

Council bill No 46—A bill for an act to amend chapter 28 of the political code, entitled "revenue," passed at the 12th session of the legislative assembly

Council bill No 47—A bill for an act amending section 66 and 68 of chapter 29 of the political code

Council bill No 48—A bill for an act to prescribe fees for the secretary of the territory in certain cases

Council bill No 49—A bill for an act providing for the publication of certain local laws in the German language, and making an appropriation for the same

Council bill No 50—A bill for an act authorizing the counties of Lincoln, Turner, Moody, Minnehaha, Grand Forks, Traill and Pembina, in Dakota territory, and organized townships, towns and cities therein to issue bonds to aid in the construction of railroads in said counties, townships, towns and cities

MESSAGE FROM THE HOUSE

A message from the house announced the passage by that body of council bills Nos 1, 5 and 17, also house files Nos 15 and 23, and requested the concurrence of the council therein

THIRD READING AND PASSAGE OF BILLS

Council bill No 23, to amend sections 324 and 325, of article 13 of the code of civil procedure, having had its third reading yesterday, came up for final passage

Arguments in favor of the passage of the bill were made by Messrs Day and Roberts, and Messrs. Miner and Cuppett opposed it

Before the discussion was concluded, the hour of 11 o'clock arrived, for which hour the bill in regard to the insane had been made the special order, and on motion of Mr Pettigrew the bill under consideration was recommitted to the committee on judiciary

SPECIAL ORDER

The council then went into committee of the whole on the bill to establish a hospital for the insane and provide for the government thereof

Mr Miner was called to the chair, and took a seat at the clerk's table

Mr Valentine raised the point of order that the chairman was not in his proper place—that he should occupy the president's chair

Mr Miner stated that while acting as chairman of the committee he would run it as he thought was the correct way, and if the committee didn't like it, it could put somebody else in the chair

Mr Valentine called the chair to order and insisted that he should take the president's chair

The chairman retorted that he knew his place and would retain it

Mr Valentine—I appeal from the decision of the chair

Mr Miner—The chair will not entertain any such proposition

At this point the president resumed the chair and stated that as the committee was out of order he took the chair to place it in order

Mr Edmunds then moved that the council go into a committee of the whole on the insane bill, which motion prevailed, and Mr Roberts took the chair

The bill was considered by sections, and variously amended, but without concluding the consideration of the amendments proposed, on motion of Mr Kuykendall the committee rose, reported progress and asked leave to sit again

On motion of Mr Edmunds it was voted to resume the consideration of the bill in committee of the whole at 11 o'clock to-morrow

On motion of Mr Rohr, the council adjourned

HOUSE—17TH DAY

The house convened, pursuant to adjournment, at ten o'clock a m

Mr Speaker in the chair

Prayer by the chaplain, Rev J P Coffman

Roll call showed all the members in their seats

The journal of yesterday's session was read and approved

COMMITTEE REPORTS

Mr Gamble, from the judicary committee reported back house file twenty with amendments, and recommended its passage, also house file twenty-two, without amendments, and a like recommendation, also house file eighteen, with like recommendation, also a majority report on council bill twenty two, suggesting amendments

Mr Brown, from the committee on counties and townships, reported back council bill twenty-five, with a recommendation that it pass

Mr Stephens, from the committee on insurance, banks and banking, reported back council bills twenty six, twenty and twenty-four, without amendment, and a recommendation that they pass

On motion of Mr Gray, council bill twenty-two was referred to committee of the whole, and made the special order for to-morrow at 11 30 o'clock a m

INTRODUCTION OF BILLS

H F 29—By Mr Stewart—For an act to amend section 43 of chapter 4 of the penal code

H F 30—By Mr Peterson—For an act in relation to the county seat of Union county

H F 31—By Mr Gunderson—For an act for the relief of R J Simonson, late judge of probate and *ex officio* county treasurer of the county of Clay, in the territory of Dakota

H F 32—By Mr Weeks—For an act to provide for the erection of a jail and other public buildings for the county of Clay

H F 33—By Mr Gamble—For an act to amend chapter 3 of the civil code and for other purposes

H F 34—By Mr Gamble—For an act to amend section 22 of the code of civil procedure

H F 35—By Mr Gamble—For an act to amend section 26 of the code of civil procedure

SPECIAL COMMITTEE

The speaker announced as special committee for the consideration of house file twenty four, Messrs Whitfield, Stewart, Trygstad, Fockler and Brown

COUNCIL BILLS

Council bill thirty-one had its second reading and was referred to the committee on counties and townships

Council bill eighteen came up for third reading and, on motion of Mr Gamble, was indefinitely postponed

Council bill twenty came up for third reading and, on motion of Mr Weeks, was referred to the committee of the whole and made the special order for Saturday at eleven o'clock a m

Council bill twenty-four came up on the report of the committee, which report was adopted and the bill passed to its third reading and final passage and was passed by a unanimous vote.

Council bill twenty-five came up on the report of the committee to which it was referred, and the report was adopted, the bill passed to its third reading and final passage, and was passed by unanimous vote

Council bill twenty six came up on the report of the committee to which it was referred, the report was adopted, and, on motion of Mr Gamble, the bill was laid upon the table until to-morrow morning

HOUSE BILLS

House file twenty seven came up for its second reading, and was, on motion of Mr Langness, referred to the judicary committee

House file twenty eight came up for second reading, and, on motion of Mr Fockler, the rules were suspended, the bill had its third reading, was put upon its final passage, and passed by unanimous vote

House file seven had its third reading, and, on motion of Mr Gamble, was referred to the committee on enrollment and engrossment

House file eighteen had its third reading, and came up for final passage, and was passed, Messrs, Helvig, Peterson and Gray voting in the negative

Mr Burbank moved to reconsider the vote by which the bill passed and to lay the motion to reconsider upon the table So ordered

House file twenty came up under the report of the committee to which it was referred and the report of the committee was adopted The bill was placed upon its third reading and final passage and was passed by unanimous vote, Messrs Burbank and Whitfield being absent from their seats and not voting

House file twenty two referred back from committee, went through the usual orders and was passed by unanimous vote

COUNCIL BILL TWENTY

On motion of Mr Weeks the vote by which council bill twenty was referred to committee of the whole and made a special order was reconsidered

On motion of Mr Stephens the report of the committee upon the bill was adopted The bill then came up for final passage

CALL OF THE HOUSE

Mr Gray stated that two of the gentlemen interested in the passage of the bill were absent and moved a call of the house So ordered

Roll call showed that Messrs Flick and Whitfield were absent, and the sergeant-at-arms was instructed to hunt them up

After a lapse of fifteen minutes the sergeant at arms returned with Mr Whitfield, and announced his inability to find Mr Flick

Mr Whitfield stated that he did not leave the house for the purpose of evading a vote He had been sick all night, and did not feel well to day

On motion of Mr Burbank, the house, at 11 45 a m adjourned to ten o'clock a m January 31st

COUNCIL—18TH DAY

GENERAL COMMENTS

The committee on education have under consideration a bill which was drafted by A W Barber as a substitute for the school law Mr Barber has given great care to the preparation of this bill, and as he had two years' experience as county superintendent, he is able to understand the defects in the existing law and apply the remedy

Council bill number twenty-two, introduced by Mr Roberts, has proved a troublesome measure It is entitled an act to establish the boundaries of the judicial districts of the territory and fixing the terms of the court thereof From its title one would infer that it was designed to change the boundary lines of one or more of the judicial districts But such was not its purpose The boundaries remain as placed by the last legislature the real subject of the measure was to change the court of the first district from Rapid City to Deadwood and this accounts for the larger number of Rapid city men in town The bill was reported back from the judiciary committee of the house yesterday, the majority of the committee recommending an amendment fixing the first district court at Rapid City and the minority (Mr Gray) recommending that the third district court be changed from Fargo to Bismarck The majority report was adopted and the minority report tabled and the bill went through in that shape

Mr Walton introduced a bill into the house this morning which provides for fixing the legal rate of interest at ten per cent

Friday, January 31st—The council met at 10 o'clock and was called to order by the president

Prayer by the chaplain

Roll call, members all present

Minutes of yesterday's session read and approved

REPORTS OF COMMITTEES

Mr Ellis from the committee on counties, reported back council bill No 43, to attach the counties of Wallette and Montraille to Burleigh county for certain purposes, and recommended its passage

MOTIONS

Mr Wynn was called to the chair, and the president asked to be excused from attendance at to morrow's session, which request, on motion of Mr Roberts, was unanimously granted

On motion of Mr Edmunds, Mr Valentine was elected president pro tem

INTRODUCTION OF BILLS

By Mr Miner—A bill for an act to amend section 47 of chapter 27 of the political code, which was read a first time

SECOND READING OF BILLS

The following bills were read a second time and referred as follows

Council bill No 45, to the judiciary committee

Council bill No 47, to the committee on judiciary

Council bill No 48, to the committee on territorial affairs

Council bill No 49, to the committee on finance and expenditures

MESSAGE FROM THE HOUSE

A message informed the council that the house had indefinitely postponed council bill No 18 and passed council bills Nos 24 and 25, also that the house had passed house files Nos 4 18, 20 and 23, and the concurrence of the council requested therein

THIRD READING AND PASSAGE OF BILLS

Council bill No 27—A bill for an act to amend section 14 of chapter 20 of the political code, was read a third time and the vote being on its passage it was defeated by ayes 3, noes 10

Mr Wynn gave notice that he would on to morrow move a reconsideration of the vote by which the bill was lost

Council bill No 32—A bill for an act locating the county seat of Grand Forks county Passed

Council bill No 33—A bill for an act amending section 1 of chapter 17 of the political code relating to notaries public, was read a third time and pending discussion on its passage, the hour of 10 o'clock arrived which hour was set for the special order being the consideration in committee of the whole, of the bill to establish the Dakota hospital, &c, and on motion of Mr Edmunds the council went into

COMMITTEE OF THE WHOLE,

with Mr Valentine in the chair, and continued the consideration of the special order

After completing the consideration of the bill, and recommending the adoption of sundry amendments, the committee rose and recommended the passage of the bill as amended

On motion of Mr Edmunds the report of the committee of the whole was adopted, and the question being upon the passage of the bill, it was passed by a vote of 12 ayes, nays 1, Mr Miner voting no

REGULAR ORDER

The consideration of bills on third reading was resumed, and council bill No 33, relating to notaries public, was passed

Council bill No 35—A bill for an act to amend an act creating a board of education for the city of Vermillion Passed

Council bill No 43—A bill for an act to attach the counties of Wallatte and Montraille to Burleigh county for certain purposes Passed

HOUSE BILLS

House files Nos 4, 13 and 15 were read a first time

House file No 18—A memorial to the congress of the United States praying for the organization of a new territory out of the northern part of Dakota territory and protesting against the admission of the territory as a state with its present boundaries

On motion of Mr Edmunds, the rules were suspended, the memorial had its several readings and passed by a vote of ayes 7, noes 6

House files Nos 20, 22, 23 and 28 were read a first time

House file No 2—A bill for an act concerning corporations and persons engaged in banking, was read a third time and on motion of Mr Pettigrew was re committed to the committee on judiciary

House file No 5—A bill for an act authorizing the employment of short hand reporters in the district courts of Dakota territory Lost by a vote of noes 8, ayes 5

Mr Kuykendall, who voted aye, changed his vote no, and gave notice that he would on to morrow move a reconsideration of the vote by which the bill was lost

Council bill No 6—A bill for an act to prevent fraudulent banking Passed

House file No 8—A bill for an act to amend section 335 of the code of civil procedure Recommitted to committee on judiciary

House file No 9—A bill for an act to amend sections 8, 92 and 101 of the justice code Recommitted to committee on education

SENT TO THE GOVERNOR

Mr Valentine, from the joint committee on enrollment, reported that he had presented to the governor for his action thereon council bills Nos 8 and 19

SPECIAL COMMITTEES

The president announced as the special committee on council bill No 34, Messrs Cuppett, Valentine and Ellis, and on council bill No 30, Messrs Wynn, Ellis and Day

ADJOURNMENT

Mr Wynn moved that the council adjourn, which motion was lost

Mr Rohr moved to adjourn, which motion was ruled out of order on the ground that no business had intervened since the former motion to adjourn

Mr Pettigrew then called for a report from the special committee on the invitation of Mr Wickersham to take a ride on the Dakota Southern railroad

The chairman of the committee, Mr Miner, said he wasn't quite ready to report—he had not yet ascertained what they would have for dinner at the other end of the ride, or whether it would be necessary for members to carry with them their own toothpicks, neither was the committee informed whether the railroad company would furnish a supply of "local option," or whether that duty would devolve upon the excursionists

Mr Pettigrew then renewed the motion to adjourn but his motion was ruled out of order on the same ground that operated against the former motion

Mr Cuppett called attention to the filthy condition of the spittoons, and wanted to know whether it was the duty of the members or employes of the council to clean them

Some member concluded that Mr Cuppett's inquiry meant "business," and made a motion to adjourn, but it met the fate of the others

Mr Valentine then offered a resolution in regard to the question raised by Mr Cuppett, to which several amendments were made and voted down, and finally the original resolution followed the amendments

Finally, after several ineffectual attempts had been made, the president, at 1 o'clock p m, declared a motion to adjourn carried

HOUSE—18TH DAY

The house convened pursuant to adjournment at ten o'clock a m

Mr Speaker in the chair

The seargeant-at arms reported the presence of Mr Flick

Mr Gray moved the adoption of the report of the seargeant-at arms

The report was adopted

Prayer by the chaplain, Rev J P Coffman

Roll call showed all members in their seats, excepting Mr Burbank

The journal of yesterdays session was read and approved

COMMITTEE REPORTS

Mr Gray, from the judiciary committee, presented a minority report upon council bill twenty-two, a bill fixing the boundaries of judicial districts, and terms of courts therein The minority report recommended the substitution of Bismarck for Fargo as the place where the third district court be held

Mr Stewart, from the committee on territorial affairs, reported back that portion of the governor's message upon territorial affairs without recommendation

Mr Brown, from the committee on counties and townships reported back council bill thirty one without amendment and recommended its passage

Mr Stewart, from the committee on territorial affairs, reported back with an amendment council bill twenty nine and recomended its passage, also house file twelve with amendments and recommended its passage

NOTICE OF BILLS

By Mr Gamble—For an act to amend section twenty nine of chapter twenty seven of the political code, relating to elections

By Mr Gamble—For an act to amend sections 28, 128 and 147 of the code of civil procedure.

INTRODUCTION OF BILLS

By Mr Walton—H F 37—For an act to amend section 1008 of chapter three of the civil code

By Mr Fockler—H F No 37—A memorial to the postmaster general asking for the extension of mail route 35 014

COUNCIL BILLS

On motion of Mr Gamble, council bill twenty six came up for third reading and final passage and the ayes and noes being ordered, the bill passed by unanimous vote The bill relates to insurance and does away with that clause in the law which requires agents to publish statements

Council bill twenty came up for third reading and final passage, as amended, and the ayes and noes being called, the bill was passed by a vote of 19 to 7, Messrs Brown Fockler, Helvig Hoyt, Mauksch, Walton and Webber voting in the negative The bill as amended provides that the people of Lawrence, Custer and Pennington counties may contract for any rate of interest agreed up on between borrower and lender

Council bill twenty nine came up for final passage, and the ayes and noes being called, the bill passed by unanimous vote The bill authorize Grand Forks county to issue bonds for buildings a jail and court house

Council bill thirty one came up for final passage, and the ayes and noes being called, was passed by unanimous vote The bill provides that the city of Vermillion shall constitute an election district

HOUSE BILLS

The following house bills had their second reading, and were referred as indicated

H F 29—to judiciary committee, on motion of Mr Gamble The bill is an amendment to the Sunday laws

H F 30—committee on counties and townships, on motion of Mr Langness It gives to the people of Union county permission to change their county seat

H F 31—special committee of Clay county members, on motion of Mr Stephens It relates to the relief of the bondsmen of ex-Treasurer Simonson, of Clay county.

H. F 32—committee on counties and townships, on motion of Mr Helvig It provides for the erection of a jail and other public buildings in Clay county

H. F. 33—judiciary committee, on motion of Mr Stephens. It relates to the organization of transportation and freighting corporations on the rivers of Dakota.

H. F 34—judiciary committee, on motion

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Press and Dakotaian.

Volume 17. YANKTON, DAKOTA TERRITORY, THURSDAY, FEBRUARY 13, 1879. Number 43.

John Clark, of Idaho, has been confirmed by the senate as associate justice of the supreme court of that territory

The house committee on commerce has indefinitely postponed action upon the bill admitting foreign ships to American registers free of duty

After a long and excited contest, the senate, in executive session, on the 3d inst, confirmed E A Merritt as collector of customs and S W Burt as naval officer of the port of New York, by a vote of 33 to 24

Commissioner LeDuc, the agriculturalist has ruled that congressmen are not competent to distribute seeds and that hereafter he will attend to the business himself He thinks congressmen have been making too much political capital at the expense of his bureau

The secretary of the treasury has issued a circular to collectors of customs instructing them that in no case will live animals be permitted to be shipped from their respective ports until after inspection with reference to their freedom from disease and the issuance of a certificate show ng they are in a proper condition of health

The newly appointed territorial auditor, E A Sherman, late treasurer of the territory, comes into office with his honesty and capability sub cribed to by a legislative committee which has gone through all of his accounts and found them correct in every particular We can add nothing to this verdict The new auditor stands before the people as one tried and found not wanting

Red Cloud's braves celebrated the arrival of the Cheyenne widows and children at their camp with a general pow wow, many of the young bucks attending the semi-festive affair with their faces blackened Ranchers are preparing to leave the border in the vicinity of Pine Ridge and a general anxiety for the future exists There is good reason to believe that with the dawn of spring trouble will begin at the camp of Red Cloud In the time of peace the government should prepare for war by massing troops in the neighborhood of these threatening savages

It has come to us that Governor Howard has nominated Gen W H H Beadle to the office of territorial superintendent of public instruction, though the council, which is the confirming power, has not yet acted upon the suggestion of his excellency General Beadle is qualified beyond all question for the peculiar duties of this position and for the sake of the educational interests of Dakota it is hoped that he may be confirmed and that we may for once at least have a superintendent who will attend to the labors of the position and prove to the people that it is one which will bring in good results

A Washington telegram says upon the subject of pensions arrears payments that the vote of the house on the bill presented by Mr Burchard, of Illinois, to issue $40,000,000 of bonds to provide for the payment of the arrears of pensions, indicates that a bill can be carried through by a large majority, and that it is the intention of the appropriation committee to report a bill appropriating $5,000,000 for disbursement during the present fiscal year, and $10,000,000 during the next fiscal year Commissioner Bentley says that under this bill every pensioner of the United States will receive an average of $750 each

A reduction of the legal rate of interest from twelve per cent to ten per cent, as is contemplated in the legislative bill introduced by Mr Walton is a measure which will command the open support of a large majority of our people The legislator can therefore give it his vote without fear that his constituents will chide him for the act Being thus happily backed by the suffrages behind them it is not an extravagance to suppose that the bill will have friends enough in both houses to secure its enactment That it should pass, no man with the good of the people in his thoughts will deny In these times of easy money and low values of products and securities money should be brought down to the level of other commodities The territory, has already established the precedent for such a law by restricting the interest on its paper to ten per cent The various counties and school districts issue their orders on their treasurers and ten per cent interest is all those orders draw while payment is pending In fixing this rate the statutes assert that money is worth no more than that per centum, and so long is this fact is definitely established individuals should have the benfit of a rate similar to that which governs public transactions

EDUCATIONAL MATTERS.

It is to be sincerly hoped that the members of our legislature will not be led into so pernicious a measure as the abolishment of the office of territorial superintendent of instruction There is an intimation that such a course is contemplated, but we have faith enough in the good sense of our legislators to believe that they will not humiliate their constituents by indulging in any such enactment Two years ago the legislature advertised to the world that Dakota cared for no more immigration, by its abolishment of the office of superintendent of immigration, and the result is that our present population is fully fifty thousand less than it would have been had we expended a few thousand dollars in furnishing information to immigrants With the experiences of the past two years upon this subject as a guide it is hardly to be supposed that the present legislature will enter upon a similar folly with its eyes wide open We possess in the land bequest of the government a solid foundation for the most effective and beneficient educational system which could possibly be bestowed upon a state, and to neglect such matters at a time when we are about to pass into a condition to render our facilities available would be to say to the world that we care nothing for the educational privileges which have made our nation the most enlightened upon the face of the globe To say this to the migratory masses of the east would be to turn them to some other locality where education is believed to be worth the encouragement of a thousand or two dollars per year and where the intelligence of the people rises above the contemplation of sordid ideas to the elimination of elevating tendencies In our opinion Dakota never needed a competent head to its educational interests as it now needs one. The fact that the affairs of the office have been neglected in the past should not bring discredit upon the office, but the blame should fall upon individuals who are personally responsible

The Sioux City Journal gives nearly a column of its editorial space to an effort to show that the people of Dakota once wanted to become a state, and now want to become two territories, and to the further effort to prove that the Press and Dakotaian has taken a position in favor of each of these propositions The Journal also argues that it is not right for Dakota to want so many things all at once We have endeavored to impress upon the Journal the fact that the people of Dakota have changed their minds We admit that we did at one time urge statehood We still urge it. But we want two states instead of one, and it is first necessary to become two territories There is nothing in this change of base which should subject the people of Dakota to a vigorous lampooning from an Iowa newspaper, and while it is probable that the Iowa newspaper will continue to inflict its strictures, it remains the privilege of our people to feel bad about it or not, as they choose In the meantime we must insist that we know what we want, and, being well stuffnecked people, will stand upon our privilege

The petition which was yesterday sent to the legislature from Grand Forks county upon the subject of and in the suppression of small pox has elicited inquiry as to the state of affairs up there The outside public has never known one half the story For a month the disease raged with scarcely any abatement, and during that time a rigid quarantine was maintained People were forbidden to enter or leave the infected region By these efforts the epidemic has been kept within its original limits The Scandinavians, among whom it originated, are the greatest sufferers The people of Grand Forks county now ask for an appropriation to enable them to destroy and replace infected clothing and to meet other expenses Their own resources are exhausted Their request should receive a prompt and substantial response

The information from the secretary of the territory that the legislative fund will be exhausted by the thirty second day of the session is coolly received by the members of that body and if they intend to adjourn when their pay stops they do not indicate such an intention by their actions There is yet a considerable amount of important legislation to be accomplished which should be deliberated upon without haste The closing days of the session promise to be filled with work

A Washington correspondent writes the following

Representatives Springer, of Illinois, and Herndon, of Alabama, were sitting in the democratic club room the other day gossiping about the next presidential campaign, and Springer asked Hewitt how Grant would run in the southern states Said Hewitt 'Run' We haven't got rifles and shot guns enough in the south to keep the niggers from voting for him" Which seems to be the general feeling among the southern democrats

The senate committee which had under consideration the project for opening up the Indian territory have unanimously agreed to report favorably The report will recommend that the lands be divided, that courts be established and that each of the five civilized tribes be entitled to a delegate in congress

Stanley Huntley, editor of the Bismarck Tribune, in his last issue of the Tribune, speaks of "Stanley Huntley, the *young and talented editor* of the Bismarck Tribune' He may be young, but—we leave it to the Jamestown Alert, Fargo Times, Gary Inter State, *et al*, to finish the sentence

The "young and talented editor" of the Bismarck Tribune announces in his personal department that his wife has called upon him Good girl

INDIAN INFORMATION

Another Soldier Shot—The Cheyenne Women Reach Pine Ridge Agency

Fort Robinson, Neb Feb 4—This morning the remnant of Cheyenne dependents seven bucks and fourteen women and children, left here for Sidney en route for Leavenworth, in charge of companies E and L, 3d cavalry, commanded by Col P D Vroom and accompanied by Dr Pettys, United States army The savages offered not the slightest resistance to the movement They were marched from their prison to wagons near by, prepared for their conveyance to the railroad The wounded were well provided for, and made as comfortable as possible under the circumstances Among the latter was Wild Hog, their savage leader, who appeared utterly unconscious except by an occasional groan, cried, no doubt by the pain of his wounds He is still very low, and may die ere he reaches Sidney

Last night Private George Sprowl, company L, 3d cavalry, died in the post hospital from what the surgeon pronounced at first to be tetanus of the system, caused by a fall from an ambulance that he drove at the time of the accident Sprowl left this post on Jan 26, at dusk, for Camp Canby, one mile distant, driving the post ambulance Twenty minutes later a shot was heard, but no attention was paid to it About five minutes after the firing the ambulance arrived at its destination minus a driver Search was immediately instituted, resulting in finding Sprowl lying on the road between the two camps, apparently dead, his face and head covered with blood flowing from what appeared to be a deep cut caused by a fall on some sharp stone He was at once conveyed to the hospital, where he remained unconscious up to the time of his death To day a post mortem examination was held, resulting in finding a bullet in his brain The general impression here is that Sprowl met his death from a rifle ball fired by some prowling savage intent on avenging the death of his brethren

A mail carrier just arrived in from Pine Ridge agency states that a big pow-wow was given the Cheyenne women and children on their arrival at the camp of Red Cloud's braves Many of the latter who attended the feast had their faces blackened, which is not a very good omen for future peace The prevalent impression here is that the coming spring will open with a bloody Indian war Many of the ranchers in this neighborhood are preparing to leave this section in anticipation of trouble

DIPTHERIA CURE.

Gary Inter-State

Many a mother is in constant fear of the diptheria and afraid it will appear in the family and take away some of their dear little ones, but they should not worry over it, as there is no danger of it, there being a new remedy for it This is the gargling of the throat with kerosene I was taken down last Monday and tried everything that was recommended to me, but of no benefit, my throat was so swollen that it was almost impossible for me to swallow, I did not eat anything only some bread soaked in tea for two days I got discouraged with my treatment of a thousand or two dollars per year and where the intelligence of the people rises above the contemplation of sordid ideas to the elimination of elevating tendencies In our opinion Dakota never needed a competent head to its educational interests as it now needs one. The fact that the affairs of the office have been neglected in the past should not bring discredit upon the office, but the blame should fall upon individuals who are personally responsible of your readers.

WESTERN USURY LAWS

The Subject Discussed By a Newspaper Which Has Opportunities for Comparing Cause and Effect

New York Times

The belief that the loanable value of money may be determined by law is asserting itself In New York it has taken the form of a bill introduced by Senator Ethelbert of Otsego limiting the rate of interest at six per cent In the west it obtains expression in the messages of governors, republican and democratic Gov Croswell, of Michigan proposes the repeal of the provision of the law authorizing contracts to be made at rates not exceeding ten per cent and the substitution of a uniform rate of seven per cent Gov Cullom, of Illinois suggests the reduction of the maximum rate to eight per cent Gov Phelps of Missouri, recommends a reduction to six or seven per cent, and the enactment of a more stringent usury law Gov Pillsbury, of Minnesota, does not commit himself to any specific change, he holds that the price of money is too high and that legislation should make it cheaper

An examination of the reasons assigned in support of these propositions does not inspire confidence in the financial sagacity of their author The Michigan governor only knows that "an abundance of money can now be obtained on good securities at seven or eight per cent," and he jumps to the conclusion that these creditors are permanent The governor of Illinois concedes that "in commercial centers and in older communities" free trade in money may be expedient, for newer communities he would have stringent measures to prevent the exaction of heavier rate that those which the legislature may deem desirable Because money may be had in Chicago and St Louis at eight per cent while the farmers pay ten, he appears to think that the future are an aggrieved class, for whose benefit the law should make it eight per cent rule He is confirmed in this opinion by the alleged cheapness of money in New York and other eastern cities, and the ability of the federal government to float a four per cent bond The governor of Missouri dwells upon the same facts and uses an argument still more muddled Thus, admitting that in these times distrust is wide-spread, and that for that reason, money is not so easily obtained, he proceeds to make of the lenders' unwillingness for which the debtors are entitled to redress A rapid usury law seems, to his imagination, just the thing required The borrowing class—according to this solon—will then have the advantage, and money will be cheap! The governor of Minnesota belongs to the same order of statesmen He has a notion that the 'natural law of supply and demand' is as applicable to the price of money as to the price of wheat, but somehow he believes the law of the state, by reducing the maximum interest may produce low rates of interest and thereby "increase the wealth of the state" He knows that circumstances compel business people to be satisfied with a small margin of profit, and he cannot discover why the man who has money to lend should not be equally accommodating

If Gov Pillsbury, obeying the dictates of his own logic, proposed the enactment of a law fixing the maximum and minimum of price of a bushel of wheat, or of a barrel of flour, at Minneapolis thanks, or of dry goods in St Paul, or the price of lots in Duluth, his friends would consider the propriety of transferring him to an insane asylum All these things, it would be said, must be left to regulate themselves in the open market The proposition would not be more absurd, however, than is the proposal to regulate the value of money on a basis to be determined by the value of money in other places Minnesota, we are told, should not pay higher rates of interest than are paid in neighboring states What is possible in Illinois and Michigan should be made possible by law, in Minnesota Gov Cullom is a victim of the same delusion Others may be left to err for themselves, he argues rural districts require the guardianship of the legislature But what causes the difference? For reasons which may or may not be good, lenders prefer the security of city property, where business activity gives greater assurances of value and availability, to farm property in sparsely populated districts Hence the acceptance of a lower rate of interest in one case than in the other The law cannot obliterate the causes of the distinction but by denying the right of the lender to act upon the promptings of his judgment, it will increase the farmer's difficulty as a borrower The average farmer is not a stickler about the rate of interest when he seeks the use of money and he will be likely to prefer the getting of it at ten per cent to the inability to get it which the passage of a rigorous usury law will produce The difficulties of a Missouri borrower will be still further increased if it be understood that legislation embodies the spirit manifest in Gov Phelps' message The creditor is treated as a hard hearted wretch whom the law should fetter always and punish when it can, while the debtor is respected as a long suffering martyr who should have the help of the law in his efforts to prevent the collection of borrowed money Perhaps we should call this the orthodox Missouri doctrine—so perfectly in keeping is it with the practice of the indebted counties and municipalities, and with the attitude of the Missouri democracy toward eastern people who have money invested in that state

Fallacious as are the arguments presented by these governors in behalf of a legislative crusade against dear money, they have a parallel in the ideas entertained in regard to the causes of the present abundance of capital and the low rates of interest that prevail In each case it is assumed that the supply of money is destined to remain in excess of the demand, and, therefore that borrowers will therefore be able to obtain it on their own terms Let Governor Cullom, or Governor Phelps, or Gov Pillsbury come to New York or Boston, in his private capacity, as a borrower, and he will quickly discover his mistake He will find that the accumulation of idle capital denotes a disordered condition of trade which renders the lending of money almost impossible There are no great enterprises to absorb the capital; corporate loans are not heard of, business has not regained activity, and when borrowers do appear ordinary evidences of credit are unavailable The banks, being choked with money, lend it at call, on securities that are immediately convertible The proceeds of bonds called in for redemption, and much other capital, find their way into our 4 per cent bonds Nevertheless, Messrs Cullom, Phelps and Pillsbury would have a hard time if they tried to obtain money, for the prevailing fear of investment deters than the ownership of western farms The fact would then dawn upon them that all the signs of cheap money which excite the envy of the west are results of an abnormal state of things, and will disappear whenever confidence shall be re established and business actively restored Moneyed men will not then be satisfied with four or six per cent interest; and those of them who are inclined to invest in the west will either choose states that recognize a reasonable degree of freedom or will exact conditions stringent in proportion to the risk incurred The one method of lowering western rates of interest is to inspire confidence in the integrity of borrowers and in the administration of the law when contracts are involved Of all the governors who cry aloud for usury laws and an enforced reduction of interest, not one has touched this method of obtaining the benefits desired

NORTHERN NEWSPAPER FUN

At last we have a cemetery Bro Chambers agitated it last spring Fargo's citizens felt the want of it—*Red River Independent*

The spectacle of "Bro" Chambers agitated a cemetery must have been as exhilarating to the spectators, as a contemplation of the "want" of such an institution to the citizens of Fargo, The nature of the methods employed by the "Bro," in securing the agitation are not defined by the Independent and we are left to the inference that one of the skeletons had got hold of Chambers' paper and went around reading it to the rest.—*Bismarck-Tribune*

BENTEEN AND RENO

The Testimony of the Former Before the Investigation

Chicago Inter Ocean

Saturday the Reno investigation proceeded by the examination of Colonel Frederick William Benteen On the morning of the 25 h witness, who was third in command of the forces, was with Reno and Custer at the mouth of the Little Big Horn. While there the scouts reported the proximity of the Indian village, of which Custer expressed doubt having failed to have discovered any Indians even with the use of sights Witness received orders from the General to take his column of three companies which had been appointed to him in the division, and go away to the left to a line of bluffs The chief trumpeter brought him instructions that if he found nothing at the first line of bluffs to ride to the second He afterward received an order from the Sergeant Major to the effect that he should go to the first valley, if he found one, and if he found nothing there, to go to the next valley, and take everything that he found in his way He went off to the left, as directed, several miles, but as he found no Indians and no valleys, he concluded that it was a mistake about there being Indians in that direction as the country had no facilities for them, He had been ordered, also by General Custer, to send an officer and some men ahead of his column to take bearings, etc These reported back, and advised that there was a change in the course, he accordingly started back upon his trail, and shortly afterward struck the trail of Custer He came to a tepee in which he found a dead warrior In due time he met an orderly with a command regarding the disposition of the pack train Witness read the order, and directed the orderly to take it to Captain McDougall, as he had nothing to do with it himself Afterward he met Trumpeter John Martin with an order from Adjutant Cook to hurry up his command as the Indians were in sight, and warm work was anticipated, or words to that effect Subsequently witness met somebody who told him there was no use in hurrying as the Indians were flying After a time, witness 200 yards in advance of his command, saw Reno engaged with the Indians The latter were charging and recharging through the ranks of the men When he got nearer he concluded the troops were being whipped and pretty soon the retreat commenced Witness was of the opinion that his discovery of the Indians and their cognizance of his presence were about simultaneous, and this had the effect of checking the Indians in their pursuit At their meeting witness asked Reno where Custer was and Reno replied that he did not know Witness fixed the number of Indians at 900 or 1 000 He heard firing down the river, but not in volleys After Benteen's command came up Captain Weir sallied out without orders for bravado as witness thought Major Reno was cool and collected at the meeting, though a little "blown" from the exertion of coming up the hill

Lieutenant Lee—Do you not think that the command of Reno could have gone down in the direction in which you heard the firing?

Witness I cannot tell—We could, but we would all have been there etc [Laughter] The command could not succeed by having been further down than to the point where Weir stopped

During the return of Reno, on his retreat, witness thought the major was doing his best to take care of his men—the best he could Witness explained that he perhaps exceeded his authority himself He sent a company back to a ridge, with instructions to hold it at all hazzards, to check the pursuit of the Indians A short time afterward he saw all the troops coming up the hill, with the company he had sent to mell with them Then he sent Captain Godfrey out to hold another hill, telling him that he would be supported and taken care of, but to hold the enemy until the troops could be formed for defense

He was asked whether he heard Major Reno give any commands He replied that he did not, and added there was no particular call for any commands at that time [Laughter] At the time the troops were upon the hill witness thought there could be 2 500 Indians engaged—now he thought there were 8,000 or 9,000 There was no time for giving orders, every man was up pearing to be doing the best he knew how, and doubtless Major Reno was doing the same

In reply to a question witness replied that the conduct of Major Reno at the time of the engagement was as cool as could be expected, and of a nature to inspire confidence among the men Witness admitted that he might have joined Reno in the woods, but considered the course he took the most advisable He said the position might have been held in the bottom perhaps four or five hours, perhaps all night, but the Indians would have been reinforced in the morning, and the troops would have all been killed unless they had been reinforced If they could have intrenched themselves in the woods he thought his would have been a better position than on the hill Witness described the Custer battle field following the same facts given by others

On the cross examination witness said he had seen no evidence of cowardice in Major Reno The latter several times stood in dangerously exposed positions to give orders and witness had cautioned him at one time for standing in front of the intrenchments against which the volleys were coming

In reply to a question from Mr Gilbert witness stated that it was the general belief of the officers on the hill that Custer had gone to Gen Terry, and had abandoned them to their fate Witness said he was out "valley hunting" [laughter], and there was no plan of battle Reno sent out to find more Indians there were no Indians, no voices and no smoke in sight when he left Reno had no right to suppose he would come back to support him Suppose he (witness) had found Indians, would Reno have come to his assistance? The distance was too great They would all have been wiped out before they could have got together There seemed to be no plan of action Shortly the cross examination concluded, and court adjourned until 10 o'clock this morning

THE PLAGUE FROM A BUSINESS POINT

New York, Feb 5—There is much discussion on the produce exchange and in financial circles as to the effect likely to be produced on business in this country by the ravages of the plague in southern Russia The establishment of a military cordon around the infected districts and measures are being taken by other European powers to prevent the spread of the disease spoken of, as laying an embargo on the export of Russian grain and other produce. The spread of the plague in the infected districts is also thought likely to prevent the sowing of seed for future crops These elements of the situation were thoroughly canvassed, and as far as yet observed the opinion on change seems general that from these troubles will spring an extraordinary European demand for cereals of the United States, and a consequent rise of price, and a brisk and profitable business in their transportation from the west to the seaboard and to Europe

A MILITARY BOARD

A board of military officers, consisting of Gens Miles Morrow McKenzie, Benham and others, now sitting in Washington, to examine and report upon the improvements in discipline and equipment of the army, are making considerable progress, and have already agreed upon some important recommendations Among other things they will report to the secretary of war in favor of introducing the Creedmore system into the target practice of the army, and for the purpose of improving the marksmanship among enlisted men to offer three prizes for shooting in each regiment, giving the man making the best shot at 500 yards $50, to the man making the second best, $20, rules of shooting to be hereafter arranged The board has also agreed to recommend changes in distinguishing colors of the several branches of the service, changing the cavalry color from yellow to orange and the infantry color from black to white

JIM RIVER COUNTIES

A Letter Upon the Subject of their Consolidation from One Who Favors it

Editors Press and Dakotaian —It is with pride that the Dakota valley farmers look upon the effort our member of the legislature is making to fulfill the pledge he made, that if elected he would work for the consolidation of these small narrow counties, so made a few years ago in the interest of a Yankton clique Empty pocketed though they were, had they not long since lost their grip in these parts, would have "raised the wind" out of their well laid schemes

The Hon A Brown was elected on the issue of consolidation done, by a respectable majority and there are many in this district who did not vote for him, that are hearty supporters of the project, and if Mr Brown is successful, will say, "well done, good and faithful servant" The only parties opposing the issue are the owners of town lots, and a very few deluded individuals they influence If we have men so ignorant as to believe that the county seat is all that is requisite to make their respective towns great cities, the sooner they are adjudged insane, the better for all parties concerned In my long residence here, I have not found a man that can advance a reasonable or unbiased reason why two of these narrow counties should not be made into one, they would not then be any too large, we would have one set of officers less to support, one court house and jail less to build, lighter taxes, and less local strife We would have just as many cities, towns and villages, if they have the natural advantages and capital to make them such This thing of trying the many to build up a privileged few is played out in an agricultural district like this I am pleased to say, the owners of our towns that have natural advantages to make them pro perous places, have the good sense to see the absurdity of fighting against the will of the people for the little honor of being called the county seat We have abundant room for all the towns we have got They are not any too close together, all they lack is *a population and capital* to make them teem with industry, and not court houses Then why this opposition to consolidation? he that opposes most assuredly has an axe to grind

Olivet, Milltown Rockpool and Firesteel will prosper all the same if instead of 11 to the lot of one half of them to be without county seats The fact of their being capitals of counties has not made them what they are Let the legislature wipe out our present county lines and make new ones that we may have counties of respectable size like Yankton Minnehaha and others It is time that a few may now howl while our population is small that a large future population may be greatly benefited

I do not lose sight of the fact that the rank and file of the chronic office seekers who see more offices to creep into, in six small counties than in three large ones will join hands with selfish town site owners in a general protest Three fourths of the debt of these river counties has been expended in maintaining a board of county commissioners and county organization to the detriment of public improvements our county records will prove this to those who doubt my statement

As I have before stated Mr Brown's consolidation plank is what gave him his seat in our legislative halls Then why should not the wise assembly give the 10th district the much needed legislation without further petition? If I were to consult personal interest I would oppose the measure, holding as I do one of the best offices within the gift of the people (with two years to run) and hope to creep down and out through consolidation I am not financially interested in any present or prospective county seat and cannot be accused of having any personal motive in penning this article I have the future good and prosperity of this position of our territory at heart I came here to stay, and hope to enjoy the good will and esteem of the people and not to advocate the building up, and enriching a few selfish people at the public expense It is well known to all our old settlers that I have always advocated consolidation of these counties

Very Respectfully Yours,
ARTHUR J PARSHALL
Yankton county, Feb 5 1879

A NEW CONFIDENCE GAME

People Who Are Green Enough May Be Easily Taken In By It

Sioux Falls Pantagraph

Southeastern Dakota has for some time been afflicted in spots with singles and couples and gangs of horse thieves, many of whom have been able to get away with their thefts, while a few of them have been caught Sometimes the stealing has been done in the regular old fashioned way, by breaking into the stable and making a break with the horses, while in other cases more novel and more complicated dodges are adopted, as for instance one which Mr Wadsworth of Lake county reports, in which a couple of men went to a neighbor of his recently and told him that they had a chattel mortgage on his team which had expired and they must therefore foreclose it The owner indignantly informed them that he had never given a mortgage on his team which is a fact, but the men produced a document all regularly made out and signed describing exactly the horses they claimed They evinced a determination to take possession of them, and the owner could not prevent them They told him that if the matter was not all right, he might come to Yankton on a certain day, and they would there prove them over to him in case they failed to prove their claim The owner went to Yankton on the day specified, but has yet failed to get any word from the men or team He is still on the search and he goes prepared to execute upon the cunning thieves a "gage to which being applied (pretended, means a "death pledge") such as will foreclose them instead of leaving them to foreclose it Other citizens northwest of us have also been victims on this same sort of horse stealing practiced by these men

Of a more orthodox variety of horse-stealing, was that on which John Forde and another citizen of Sioux Falls were the victims at Taylor's ranch, twelve miles this side of Rockport, Tuesday night of last week, by which each lost a span of mules The teams were hauling lumber to Rockport for Wm Van Eps, and stopped at the ranch, and during the night the four mules and one horse were stolen by a gang of seven men A posse of ten men started from Rockport in pursuit, and when they came in sight of the gang they felt too weak to attack them, and sent back to Rockport for reinforcements, securing six more men, making sixteen in all These rode rapidly in pursuit, and word was received at Rockport by courier last Sunday afternoon that the posse had come upon the gang again away out by the Missouri river, and would probably capture the thieves It is stated that during the chase, a couple of the pursuers unknowingly slept all night in a house with some of the pursued, the mules being at the time in the stable Mr Forde contemplated organizing a party here to go out after the thieves, but gave up the project finally

It is more than likely that some of these equine-gobblers will some of these times come to a very uncomfortable end—a rope's end or the muzzle end of a revolver The citizens are becoming quite thoroughly impregnated with the idea that this forced contribution of horse flesh to these marauders is altogether too numerous for either profit or pleasure and if they succeed in capturing some of the thieves an informal funeral without mourners will be appointed and there will be no postponement on account of the weather or anything else.

NEIGHBORHOOD NEWS

Schuyler, Nebraska, has two fire companies

A farmer near Niobrara plowed five acres last week

Covington young people "trip the light fantastic" occasionally

The young ladies of Dakota City, Neb, are giving birthday parties

The total fall of snow at Gary this winter has not exceeded five inches

Sidney, Nebraska, is looking forward to a court house and jail next summer

The Niobrara social dancing club, gave a grand blow out on next Wednesday evening

A Reynolds has been appointed postmaster at Ponca, Nebraska, and E D Higgins deputy

The Ponca Courier criticises the letting of the contract for public printing in Dixon county

Dr Smith concluded his lecture on his travels in Europe, in Dakota City, Neb, on Tuesday night.

Efforts are being made to secure a United States land office, either at Gary, Kampeska or Watertown

The Lincoln county literary society have challenged the Canton literary society to a friendly debate

Gary is soon to have a new barber shop, and harness store, and a watch repairing and jewelry store

The Welsh school district on the Niobrara river, has the best school building in Knox county, Neb

Capt Jack Thomas has secured a ferry license from Bon Homme county, to operate a ferry at Niobrara

The Citizen says 'Bon Homme has more pretty girls to the square inch than any other town on the Missouri river"

A literary society recently discussed the question of herd law, in Dixon county, Neb, deciding in favor of herd law

The Bohemians of Niobrara give another theatrical entertainment on February 8th, entitled 'The Ghost in a Shoe Shop"

Scarlet fever and diptheria are raging to such an extent in Lancaster county, Neb, it has become necessary to close the schools

A mush and milk festival was held in Covington Neb, on last Friday evening, for the purpose of clearing the indebtedness on the Methodist church

The Flandreau Enterprise very innocently says that "some one will have to buy a new stove around here soon We have heard of wood exploding"

Ponca, Nebraska, Courier An urchin of Schuyler was warned by his mother that if he went out in the cold he would get the earache. He went He had the rear ache

Dr E A Reeves has obtained a license granting him permission to maintain a ferry across the Running Water at Keyapaha Knox county, Neb, for the term of five years

Niobrara Pioneer Mr Kadisha's team upset the wagon, loaded with goods, as they were coming up the hill Monday evening No particular damage was done, although there was the usual amount of delay, trouble and extra work reloading

Niobrara Pioneer One of our pious ladies was at a neighbor's last Sabbath afternoon, and seeing one of our carpenters working on an unfinished building, remarked 'I wish to God that man would fall and break his infernal neck" Religion is getting too strong for Niobrara

Ponca, Nebraska, Courier It seems as though something ought to be done for Mrs Buchanan A woman as insane as she evidently is, should be cared for by our commissioners of insanity She presented a pitiable appearance, dressed in sackcloth, with a pan of ashes on her head, as she passed through the principal streets of the town this morning, pronouncing curses upon the town, throwing her ashes to the wind, handfull by handfull

Niobrara Pioneer It is possible that if the amounts subscribed by our citizens last fall for a church building were turned over to Bishop Hare, he would furnish enough more money to complete a building that would seat about two hundred people, and have it ready for occupancy within the next three or four months If this could be done with an arrangement for other churches to occupy the building for the next four or five years, we are inclined to think that the arrangement would be a good one

Niobrara Pioneer The stock ranche owned by Henry and Charles Trenken, 12 miles above Keyapaha, was visited on the 20th by five mounted desperadoes belonging, it is presumed, to the bandits of the upper Niobrara They marched the boys—including Mr F H Haskell—before the door where they were guarded by two of the party while the three remaining searched their pockets and house for booty They found $200 in money and made up the deficiency from the boys' clothing and fire arms Then all made a very leisurely exit taking five head of horses with them On their departure they instructed the boys to keep the affair quiet as the nights never became too dark to come down and shoot cattle

SOUTH CAROLINA ELECTIONS

Some Highly Entertaining Developments on the Subject

Washington, Feb 4—The Teller committee examined Col Mackey of South Carolina He said the republicans were in numerous ways prevented from having full and free vote in Charleston county and the democrats resorted to frauds for that purpose Witness said before the election a committee of republicans waited upon Gov Hampton who assured them that he would act fairly in the appointment of commissioners and give one republican to two democrats in each county In thirty two counties of the state, however, only five or six republicans were appointed He did not believe the republicans had a single manager of elections in four hundred precincts Some of the colored men who put on red shirts said that they did so because they were paid $2 a day for their services Witness, in order to counteract the democrats, had 5,000 tissue tickets printed, and these were to be used only in the event that the republicans were certain the democrats were using tissue tickets Some few republican tickets had been given out the night before election, and six of them were voted in Charleston Fully 4,000 such tickets were in a package handed by witness to Senator Teller In coming to a conclusion with Bower to have printed tissue tickets they did so with the view of protecting the democrats, so that when the democrats came to taking the tickets out of the ballot box they could not discriminate between the two kinds of tickets He did not know how the democrats could get an undue number of tissue tickets into the box, but he believed they were invented by democrats for fraudulent purposes

R M Wallace, United States marshal for South Carolina, testified to arresting a democrat for breaking up republican meetings, but no convictions resulted The democrats regarded voting of tissue ballots as a huge joke among the republicans, saying that they had learned tricks from the republicans and were now beating them at their own game Not one colored man out of a thousand would, if left free to themselves, vote the democratic ticket, although a number of them voted for fear of losing or hope of obtaining employment

Witness, in reply to Senator McDonald, said he knew of half a dozen prominent negroes who attended and addressed public meetings in behalf of the democrats.

BLACK HILLS NOTES

Lead City has a literary club

Farming interests about Sturgis City are developing rapidly

There is fresh talk about a narrow gauge road into the Hills

Bobtail, the old Terra mill at Lead, is running ten stamps

Deadwood, has had a Sunday evening mass temperance meeting

The Black Hills country is now almost entirely free from Indians

The population of the Hills numbers more than 25,000 souls, so the newspapers assert

The pupils of the Deadwood schools are giving very interesting public entertainments

The proprietors of the Great Eastern mine, made a clean up in one day of over $2,000

Not more than one half of the placer mines at Rockerville, have yet been claimed

The Homestake at Lead City, has made its first dividend, of thirty cents a share, aggregating $30 000

Rudor Brow, of Rockford have turned out from their saw mill over 100,000 feet of lumber, and more than 50,000 shingles

The most prominent cities of the Black Hills are Deadwood, Gayville, Central, Lead City, Anchor, Crook City, Rapid City, Rockerville

The average net yield of the Homestake is about $16 per ton The Father de Smet about $12 Terra the same The Rhoderick $14 per ton

Wages in Leadville are called low. Carpenters gets get $3 00 cash, compositors 40 cents per 1,000 ems, brick masons and painters $3 00 to $4 00 per day, and miners a similar sum

Deadwood Times "Deadwood, the metropolis of the Black Hills, contains 6 000 inhabitants, 500 business firms, churches, schools, and numerous secret organization The assessed valuation of the three counties composing this region has increased from $300,000 two years ago to over $3,000,000 to day, without taking the mines into consideration The Black Hills settlements number about fifty, and are scattered over a region of 6 000 square miles in extent, lying between the south and north forks of the Cheyenne river There were 15,000 passengers carried to and from the Hills during the past year by the stage lines, and the mail which arrives at Deadwood, amounts to 500 pounds daily These stage lines employ 200 experienced stage men, 1,000 animals, and 50 fine Concord coaches, and have a capital of about $500 000 invested"

NORTHERN DAKOTA ITEMS

The liquor license in Barnes county is $300 per year

Press and Dakotaian

—ESTABLISHED 1861—

WEEKLY EDITION

Subscription Price, .. $2 per year

ADDRESS

BOWEN & KINGSBURY

YANKTON, - - DAKOTA

Thursday, February 13, 1879

THE NEW EDUCATION BILL

The bill introduced by the council committee on education is a revision of the present school code with numerous amendments and additions It was prepared by A W. Barber late superintendent of Yankton county, at the request of the committees on education, both of the house and council, and most of the members of these committees gave their personal attention, at frequent interviews with the reviser, to the details of all the alterations contained in the bill Most of these new features were also talked over and concurred in, within the last few months, by the superintendents of most of the counties of southeastern Dakota, and by several gentlemen of legal ability interested in schools The chief justice of Dakota was consulted upon a number of points before the revision was undertaken, and he recommended the reviser to perform the task and do his utmost to render the school law more consistent and useful

Hence we submit that the proposed bill represents the wishes of the committees on education, and the intelligence and experience of many gentlemen who have for years been zealously interested in the welfare and good name of the schools of our future state It is therefore entitled to consideration at the hands of the legislature, and any of our legislative solons who think to achieve home popularity by ignoring the necessity of improving the school system, will learn their mistake by the time they have given the subject one tenth part of the thought and study that others have bestowed upon it

The general designs of the new bill are to preserve the main features of the present law, routine of business, finances, rights, powers and duties of officers, &c, is far as possible to avoid needless change which would confuse the unlearned and the foreigners to clearly explain and define those parts of the system heretofore left vague and unsettled to perfect the systematic workings of the present plan, and fill up obvious omissions, to protect the rights of teachers and pupils, to digest and make practicable the position of teacher, school officer and superintendent to hold every member of the system to a strict accountability to superior authority, from the low est pupil in a county school up to the territorial superintendent; and to expunge from the otherwise admirable statute a chapter which has so long been left a blot and a blemish an inexplicable movement of the carelessness, and perhaps incompetency of those who inflicted upon Dakota the present crude mass of blundering English and conflicting requirements

As the bill is quite lengthy and there may be legislators so little interested in the educational welfare of their constituents that they would rather vote it down at once than take time to read it through and compare the new with the old law, we give some of the features which ought to entitle it to their favorable notice

The territorial superintendent must render itemized accounts and swear to their correctness; and if he appoints a temporary deputy at his own expense, the appointment must first be approved by the governor

The county superintendent must receive pay quarterly, instead of once a year, and five cents mileage when required by law to travel on his official business

In laying out districts, the people, the unschooled children, and the superintendent have extended rights regard ng petitions for changes

Districts that will not support schools may be wiped out and attached to others

The superintendent shall see that treasurers as well as clerks keep good records and make correct reports, this will guard against many evils now prevailing

The practice in vogue among many teachers of dodging the public examination and begging certificates at a private interview is met by a change in section twenty-two

A certificate may be revoked for good cause, which is impossible at present

The limits of district taxation are reduced from five per cent to three

A person must reside in the district five days before voting while the present law requires no previous residence

All former illegal but *bona fide* elections of district officers are made valid, for the prevention of litigation

Districts that run in debt or neglect to pay their teachers, must pay ten per cent interest on all unpaid warrants

The school house fund contingent fund, treasurer's fund are separate and defined, and treasurers required to keep them separately instead of lumping them together

Money from the county fund shall be used only to pay teachers' wages

Loaning or using district money by a treasurer is declared embezzlement

An appraisal proceeding is provided, whereby a district may procure a building site when the owner refuses to sell

A school board cannot fill up their school with pupils from other districts without the teacher's consent

Vacancies in the district board may be filled either by election or appointment

Every school must have a school register of attendance,—a matter hitherto ignored by the law and the chief superintendent

Clerks, treasurers and teachers shall all file copies of their regular reports with the county superintendent

Children deprived of school by poverty may be supplied with books by the district

Forty dollars is allowed, instead of fifty, for a county institute and five dollars per day for the time an institute is held exceeding one week, but this allowance is conditioned upon the county superintendent's report and register of attendance, showing actual number present

Disturbing or interfering with a school is declared a misdemeanor, like disturbing any other public meeting

A school month is defined as twenty days

A measure has just passed congress which provides that any woman who shall have been a member of the highest court of any state or territory, or of the supreme court of the district of Columbia for the period of three years and shall have maintained a good standing before such court, and who shall be a person of good moral character shall on motion and production of such record, be admitted to practice before the supreme court of the United States

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The Deadwood Enterprise takes a decided stand against the proposition for division of Lawrence county It says

We assure the legislature that the movement is not that of the people of Lawrence county and that should the question of a division be put to vote, it would receive an emphatic negative from nine tenths of our property owners and tax payers, as will be demonstrated by remonstrances that are receiving universal signature and will be forwarded as soon as complete We have no fears that the bill will pass Its provisions are unnecessary and unjust, points that, we are sure, our able and zealous councilman Judge Kuykendall, will fully demonstrate to the legislature

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Senator Windom, of Minnesota, presented to the senate on the 7th inst a long argument in favor of colonizing southern negroes in western territories He particularly urged their colonization in Utah which he thought would use up mormonism,

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The appointment of Ex-Governor Hartranft, of Pennsylvania, to the postmastership of Philadelphia has occasioned a great deal of surprise The explanation is that the gentleman, though distinguished, is poor, and the position will be a financial help to him He was nominated by the president without any consultation with the postmaster general

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The house committee on invalid pensions authorize a report to the house with a favorable recommendation of the bill restoring all invalid pensioners dropped from the rolls on account of residence during the rebellion, and providing for their payment from the passage of the bill The bill enables Mexican war pensioners, residents in the south during the rebellion, to revive their pensions as before the war

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A bill has been introduced very quietly into the Dakota house of representatives, by Mr Gray, of Burleigh county, which proposes to change the capital of Dakota from Yankton to Bismarck We cannot consciously urge anybody to vote for this bill, though we would very much like to see Mr Gray cover himself with glory We move to amend by making Bismarck [or Fargo] the capital of the new territory that is to be

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At a caucus of the democratic members of congress held in Washington on the 8th inst, it was agreed to report a bill repealing the test oath now required to be taken by jurors. The bill will be in the form of an amendment and attached to the sundry civil appropriation bill It was also decided to repeal the statutes which provide for the appointment of federal supervisors of elections An other caucus will be held Monday, when it is proposed that the amendments be perfected Some members of the caucus say the democrats will insist on the amendments being incorporated in the bill even at the risk of an extra session

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The citizens of Fargo have been having a meeting in the interest of the proposed Red River narrow guage railroad and have adopted the following resolutions

Resolved, That we fully recognize the importance of constructing the proposed narrow gauge railroad from Pembina via Grand Forks to Fargo thence by the most feasible route up the Red River valley, to a connection with the proposed narrow gauge line from Minneapolis to northern Dakota

Resolved That our members of the territorial legislature be and are hereby requested to use their utmost influence to secure the passage of an act authorizing the legal voters of Cass county to vote upon the question of the issue the bonds of the county in aid of the construction of said railroad within said county

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A commercial writer discussing the probabilities of the bet future in the grain trade of cities says in effect the Chicago times as follows

But as stated in the beginning the question of price evidently ends very greatly upon the extent and duration of the French demand Were that demand to materially shrink during the spring months—a contingency that it would only be prudent to keep prominently in view—our very heavy reserves would offer a powerful incentive to the British to withhold from purchasing as long as practicable and at the same time stimulate other exporting countries to hurry off their surplus in order to forestall our presumably very heavy spring exports

The return to specie payments by the general government and plethora of capital at the principle monetary centres has lately imparted considerable activity to speculation in stocks, provisions, grain, etc —the result probably of a very common idea that we are entering upon a new era of great speculative enterprise and general business prosperity, but there are not a few wheat operators who take a less rose-colored view of affairs and from a purely speculative standpoint look upon the present relation between available surplus and consumptive means the general financial, industrial and economic conditions prevailing in this country and western Europe, as forming a group of obstructions highly unfavorable to any improvement of prices They contend, on the contrary that without any important outward event happening to the growing crops the coming spring a most vital curtailment of the French demand would inevitably lead to a tremendous fall of prices in this market

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IMPROVING RIVERS AND HARBORS

Report of the Sub Committee to the Full Committee

Washington, Feb 4—The sub committee which has had in charge the improving of the river and harbor bill reported the bill to the full committee to day, and some progress was made in reviewing their work In most instances the recommendations of the sub committee were accepted, but a few minor changes were made It is the understanding that the work of the full committee shall be completed on Friday so that the bill can be printed Saturday and off read for passage in the house on Monday under a motion to suspend the rules Speaker Randall made a decision to day when Fernando Wood wanted the floor, to the effect that he would not hereafter adhere to his list of members who apply to be recognized in time for a motion to suspend the rules, but would recognize the chairman of any committee for business affecting public interests Under this decision it is expected that Mr Reagan will be recognized for the motion to suspend the rules and pass the river and harbor bill The lake appropriations will stand about as stated in these dispatches some days since The following amounts are recommended for various western public works

Mississippi river between Illinois and	
Ohio rivers	$425 000
From St Paul to Des Moines rapids	17 000
Illinois and Des Moines to mouth of Illinois	75 000
Burlington Iowa	7 500
Fort Madison, Iowa	5 000
Dubuque "	7 500
Des Moines rapids	60 000
Rock Island rapids	15 000
Galena river and harbor	10 000
Chippewa river	7 500
St Croix river	7 500
Red River of the North	18 000
Illinois river,	50 000

The following are for the Missouri river

From Sioux City to mouth	$7 000
Yellow Stone river	15 000
At Sioux City	7 500
At Atchinson,	15 000
Opposite St Joseph	10 000
Nebraska City	22 000
Omaha	25 000
Black Yellowstone,	18 000
Wissah river	10 000

These recommendations are to be corrected by the full committee

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WORK AT THE BOAT YARD

Grand Forks Plaindealer

One of the industrial features of our town, during the winter season, is the transportation company's boat yard, at present under the superintendence of M J Godfrey, one of the oldest boat builders in the northwest There are now five steamboats and six barges at the yard, three of which, the Minnesota Manitoba and Alpha, the latter of the Winnipeg and Western line, are on the ways undergoing repairs The winter has been very favorable, and the work is progressing rapidly, the Alpha has been thoroughly overhauled, new floor timbers have been put in, new plank cover the bottom and a new deck has been put down from the bow back to about midships, the caulkers are pretty well along with their work The carpenters are now at work on the Manitoba, putting in new floor timbers, to replace those broken last fall on the Red Lake river, a new deck and some new bottom and side plank will be required The Minnesota will require about the same amount of work as the Manitoba The repairs on the International and Selkirk are of minor importance, but will take some time The engines have all been taken apart, ready for the repairers The company is putting everything in good shape and notwithstanding the building of a line of railroad, parallel to the river, the Red river steamboats will ply an important part in the transportation of freight to Winnepeg and intermediate points

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A gentleman formerly rich but now in reduced circumstances, has sold the monument which he had placed over his first wife's grave, by the advice of his second wife, merely effacing the inscription on the marble.

BLACK HILLS NOTES

Lead City has a theatrical troupe

Town lots in Rochford are selling for prices "way up

A two story brick block is nearing completion in Lead City

Apples are worth from ten to twenty cents apiece in Deadwood

The masons of Lead city are making every effort to establish a lodge

A Sunday school has been established at Rochford, which is well attended

Homestake mill No 2 cleared up 233 ounces of gold one day last week

There is a great deal of trouble about disputed mining ground in Lead City

Oat straw sells in Deadwood at three cents per pound It is used for filling bed ticks

A red riobon club has been organized in Deadwood. Its pledge is the Murphy pledge

There are two brothers in Deadwood, one of whom is a Dutchman, and the other an Irishman

L D Gregory was found dead in his bed at Leadville on the morning of the 3rd of February,

Cabbages are selling for five cents, and potatoes three and one half cents per pound, in Deadwood

Tom Kemp who opened the Big Bonanza in Deadwood, which run about a month, is getting rich in Leadville

A man in Spearfish has been well favored the past season, he has raised potatoes, cabbage, beets celery and a mortgage

The terrible condition of the roads between Central and Deadwood cities occasion "wild talk" from the teamsters

Butter and eggs are declining in price in Deadwood, butter retailing at fifty cents per pound, and eggs selling for fifty cents per dozen

The Western Enterprise, of Deadwood, passed into the ownership of Messrs Whitbeck and Hooper, with the former continuing as editor

In one hour after Judge Moody's decision in regard to the legality of the new board of county commissioners, Lawrence county warrants advanced from 32½ to 40 cents

Great sympathy is felt throughout the Hills for young Frankenberg, who died from the effects of pistol wounds, and his murderers are generally spoken of as men who deserve the severest penalties of the law

Ned Ford convicted at Deadwood of manslaughter in the first degree for the killing of John Russell, was sentenced by Judge Moody to fifteen years and six months in the house of correction

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NORTHERN DAKOTA ITEMS

Pembina has a skating rink

Crookston is organizing a brass band

Grand Forks wants a fire department

The total valuation of Pembina county for 1878, was $166,000

Grand Forks people are getting up an old fashioned New England supper

A new post office called Wadena has been established on Maple river, above Fargo

L A Grant, of Fargo, has been appointed and confirmed as postmaster at Fargo

Capitalists from Iowa are contemplating establishing a private banking house in Fargo

Jud LaMoure and other prominent citizens of Pembina, will erect fine residences in the spring

Fargo is to have a liberty pole and grand mound, built in the shape of a rustic band house, in their railroad park

Invitations have issued to Fargo people to attend a series of hops to be given at Fort Pembina every Friday evening, during this month

Almost a serious conflagration occurred at the Vest house, Grand Forks, a few nights ago, through the carelessness of one of the servant girls, who let a lighted candle set fire to a matchboard box, and then to a chair It was discovered in time to prevent serious damage

The citizens of Cass county held a railroad mass meeting at the court house at Fargo, on Tuesday evening, to consider the queston of constructing a railroad, from Pembina, through that country to connect with the narrow gauge road soon to be built through northern Dakota

Fargo Republican The material for the Missouri Division of the N P railroad has commenced to move forward The first shipments were made on Thursday, when three cars loaded with iron, and nineteen cars of ties were dispatched from Fargo Still more are here and shipments will now be energetically and steadily continued

Geo W Sweet, of Bismarck, and Alice LeSecher, of the same place, have entered into articles of agreement, the conditions of which are that Sweet shall pay Alice's living and traveling expenses and $50 a month for one year, and she, on her part, is to give him all that may be realized from her gift as a spiritual medium Mr Sweet will soon find out how little he knows of the science of psyology

Bismarck has an "Alphabet Company," the N W S H E M and P T Co, which means the North Western Stage, Express Mail and Passenger Transportation Co They manufacture their own vehicles, the capital stock of the concern is $100,000 They paid in dividends last year over $65-000 The mon hly disbursements of the company at Bismarck amount to over $12 000

Fargo Republican It is rumored that the energetic management of the Northern Pacific railroad, have under consideration the plan of running a night train between Fargo and St. Paul when the spring arrangements are made, as it is very desirable it should be, passengers leaving St Paul in the evening would take breakfast in Fargo the next morning and make the trip to Bismarck by daylight, dining at Jamestown

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DEATH AT THE ALTAR

The sudden death of Father Pelletier at the foot of the altar while in the act of administering the sacrament of marriage at St Francis Xavier's church on last Wednesday evening, was a very solemn event The wedding was one which had been postponed for a week in consequence of the death of a near relative of the bridegroom but the delay had only served to add interest to the ceremony and to increase the attendance of the friends of the happy couple The church was brilliantly lighted and the altar ornamented with flowers, and as the organ pealed forth its welcome no one dreamed that a cloud of sorrow would so soon overshadow the scene The heart of the officiating minister was in his work, for he had been the groom's preceptor, and election as well as duty prompted the words of exhortation and advice which he addressed to the young couple as a preliminary to the sacrament Scarcely had his utterances ceased, when, as he stretched forth his hand to pronounce a benediction, death arrested the act and, sinking down at the railings of the sanctuary, he passed away without a struggle and apparently without pain The sad result probably of a very common ailment that we are entering upon a new era of great speculative enterprise and general business prosperity, but there are not a few wheat operators who take a less rose-colored view of affairs and from a purely speculative standpoint look upon the prospective relation between available surplus and consumptive means the general financial, industrial and economic conditions prevailing in this country and western Europe, as forming a group of obstructions highly unfavorable to any improvement of prices They contend, on the contrary that without any important outward event happening to the growing crops the coming spring a most vital curtailment of the French demand would inevitably lead to a tremendous fall of prices in this market

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A gentleman formerly rich but now in reduced circumstances, has sold the monument which he had placed over his first wife's grave, by the advice of his second wife, merely effacing the inscription on the marble.

There is a foolish superstition against marrying in May

THE CIPHER BUSINESS.

TILDEN BEFORE THE COMMITTEE

New York, Feb 8—At the meeting of the committee investigating the cipher dispatches, Samuel J Tilden, immediately upon entering the room, was sworn by Mr Huston, the chairman, who said, "Gov Tilden, we received your note expressing your willingness to testify

Tilden—I have a bad cold, and can't speak very loud In the publication and report of them in New York papers I did not recognize a single dispatch, either in cipher or translation, which I had ever seen I never heard from them but once, and that was a communication signed by Ottendurfer and others I was very busy all the time and did not undertake to correct the idea that they were my personal agents They did not represent the democratic party None of them, so far as I know, went to these states authorized to do anything that gentlemen might not do I never entered into any arrangements to purchase the vote of South Carolina or Florida I had no information or suspicion that any such common actions were being carried on until I saw the dispatches published in the New York Tribune I had no knowledge nor dealings with any parties to these negotiations in any form whatever On the morning of November 20th, 1876, Mrs Col Pelton presented to my presence her husband had gone for the day I did not know that he had gone or was going out of the city He went to Philadelphia, I believe Later in the day I was called on by Mr Cooper, who was on his way down town, and was told by him that he had received an intimation from some party offering to obtain the vote of South Carolina I said I would authorize no such transaction or spend money for any such purpose, which conversation occupied only a few minutes, I obtained Col Pelton's address in Baltimore and telegraphed him to come home I knew nothing of the ciphers that had been passing between him and others, and I could not have translated them With regard to Florida, I never saw one of the telegrams, either in cipher or translation I did not know—I was not informed—that negotiations were going on in regard to illegally obtaining certificate of the returning board Meantime Mr Marble told me in a casual way about the corruption of the returning board of Florida I never saw any of these dispatches relating to Florida, either in cipher or translation In regard to the Oregon dispatches, I did not know they came up either till or after the meeting of the committee to investigate them Some of the dispatches were addressed to my residence, 15 Gramercy Park I do not know that any of these dispatches were ever delivered there Col Pelton's habits of mind and mine are very different A day or two after the election, Gen Grant wrote a letter recommending commissioners to go south to see a fair count I had nothing to do with the selection of these commissioners Did I enter into any combination for seeking certain bribes by venal inducements? There never was an hour, not a minute, that I entertained such a thought To the people who, as I believe elected me president of the United States, to the four million citizens who rec de founded I owe it to proclaim that I would not yield money or office or my rights While over evils may result from this subversion of the electoral system of a free government, I resolved I would enter into no act or for the purchase of the chief magistracy [Cheers, which the chairman suppressed] I was resolved that I would contribute no power against the wrong by which the people were defrauded out of their rights

Mr Tilden's voice, owing to a cold, became hu ky It required an effort to catch all his words Tilden being asked, "Who is your private secretary?" answered, "Geo W Smith" I have no knowledge of the following dispatch

Tallahassee, Nov 27—Geo W Smith, 15 Gramercy park—It has been suggested from here to the governor of Oregon, to refrain from issuing a certificate in favor of an in eligible elector and thereby defeat him Why not obtain and telegraph him O Connor's opinion See my dispatch to Smith"

Reed Tilden's disclosures but this was the first he knew of ciphers in that way Witness' private secretary, Smith, never showed him any of these dispatches, did not know he had a cipher key between them consisting of ciphers When Pelton returned from Baltimore, witness said something to him about his action and he made no reply, got no information from him about ciphers until they were published, did not believe he knew Mr Tilden had any power to act in the matter Edward Cooper told me he had a proposition to get votes for money, did not mention Pelton I knew of no attempt to bribe in any state The first I heard of the Florida bribery was from Marble He simply mentioned the circumstance, but gave me no details, and I made no inquiries I made no inquiries of Pelton about these corrupt propositions The only interest I had in it was stopping it Pelton caused to reside in my house about Jan 1st I made a request for him to cease being my secretary I manifested my displeasure, but did not ask him to resign I kept up no confidential relations with Smith Weed, knew nothing of his presence in South Carolina, I heard nothing from him of the proposition to buy votes, I had not the most kindly feelings toward Weed I had confidential relations with Marble Before going to Florida he called to bid me good bye There was nothing in their conversation at this meeting bearing on this question, it was little more than a formal leave taking In his interview with Cooper, no idea of accepting the proposition to purchase votes was debated between them, or thought of for the moment As for Pelton, he was the last man in the world, he, Tilden, would have selected if he had intended to enter into such transactions as purchasing electoral votes Being asked why, in his card to the public, he did not refer to the Baltimore transactions, Tilden replied, it was not a pertinent question Do you not know governor, your statement that you had no knowledge of the negotiations except through the Tribune is likely to deceive, because you had heard of the Baltimore negotiations Tilden answered that he did not know of the cipher telegrams which had passed on the subject nor of any negotiations, but did know that he had been an office in South Carolina, which he had put an end to by his intervention I made my statement in accordance with the truth

Question—Did you intend to convey the idea that you had no knowledge of the offer? Answer—I did not intend to convey any idea on the subject I had been advised by a hundred people to do one thing or another I did not think it necessary to refer to the fact of the Baltimore transaction in my reply

In a very able and close examination, Reed, who conducted this portion of the examination, occasionally requested Tilden to be frank, but failed to get an admission that witness remembered any conversation at the Third National bank with Smith Weed prior to the latter's departure for North or South Carolina

Hiscock continued the examination

Q—When the dispatch was received in New York, saying, "You are imperilling the result here," and advising that some one should be found who could be trusted for a week Did you ever see the dispatch? Ans—I did

Q—Did you not know that information had reached here in a dispatch to Gramacy Park that you had one majority in Florida? Ans—I heard I had one majority in Florida, but did not see the dispatch returned to as covering that and other information Did not see a dispatch to Geo W Smith, saying "see my dispatch to Spain."

Q—Governor you learned from Cooper and could have learned from Pelton your nephew, had been engaged in a transaction connected with the obtaining of electoral votes in North and South Carolina, did you not feeled called on to find out Col Pelton's relations to the national committee?

Ans—I thought the best way to act in the matter was to stop it I thought the negotiating of the Florida case

Question—You have said, if you had any idea of influencing these boards venally, the last person you would have chosen would have been Col Pelton Why did you not deem it proper to call Cooper or Hewett's attention to the matter, and ask them to take charge of the matters, lest Pelton might compromise with the democratic general committee?

Ans—In the first place, I supposed they had full knowledge and would be able to take care that nothing wrong should be done Civil law does not recognize purposes until they are embodied in actions The church punishes the purposes of criminals, even if they are not carried out The atmosphere at that time was full of rumors of fraudulent returning boards I declare before God and my country that the votes of Louisiana and Florida were bought (meaning by the republicans) I would scorn and condemn my righteous title of the democratic party had I secured my seat by fraud

PELTON'S TESTIMONY

New York, Feb 6—Potter examined the original dispatch translated as follows

Tallahasse, Dec 2—Col Pelton Have just received the proposition to hand over at any hour the required Tilden decision of the board and certificate of the governor for $200,000

(Signed) MARBLE

Witness said the dispatch seemed in Marble's hand writing Had received a dispatch from Marble of that tenor, but could not say that the translation is absolutely correct In reply, he declined the office on account of the high price Did not tell anybody of its contents before answering Marble Subsequently received a dispatch which he understood as reducing the amount to $50,000 and asking if he could deposit immediately if agreed to He understood that Wooley sent this

The following dispatch was then shown

New York, Dec. 1—C W Wooley, Tallahassee Telegram received Will deposit dollars, agreed you cannot, however, draw before the vote of member is used Reply promptly

Witness said he sent a dispatch of that character He did not consult any one in regard to it, but acted on his own responsibility There was some telegraphic correspondence between him and Wooley as to the degree of confidence which he placed in the latter He assured Wooley that he could rely on him

A dispatch dated Tallahassee, Dec 3, addressed to Col Pelton, was then exhibited with the following translation

Proposition received either giving the vote of one republican of the board or his concurrence in the count Action preventing electors vote from being cast for half hundred best United States documents for $50,000 in United States notes

(Signed) MARBLE

Witness said he received such dispatch Had dispatched Wooley urging harmony of action He telegraphed Marble accepting the proposition of Dore only once, and saying, trust Wooley Did this on his own responsibility

The South Carolina dispatches were then taken up

Pelton remembered sending, or assenting to the use of $50,000, but did not remember the terms Clearly remembered accepting the proposition of Weed to pay the South Carolina board $75,000 Had no explanation for the other dispatches Went to Baltimore, but first saw Mr Cooper Told him about the Weed correspondence that witness might need money before he met Weed Was fully satisfied the money could be forthcoming, but the latter received a telegram from Cooper and some other man that the money could not be raised Cooper led me to believe the money could be obtained Tilden was exceedingly annoyed, and denounced witness' action very severely He had not the least idea of what was going on with the purpose of buying the returning boards Certainly did not tell him of the Weed, Marble or Wooley correspondence Had no conversations with Tilden on the matter until my arrival from Baltimore Was not certain Tilden had yet recovered from his annoyance Tilden told witness distinctly that he wanted no such work and would sooner die than allow himself to be put into the presidency under false pretences When subsequently showed the governor the whole correspondence he was still more exercised, and announced the whole proceeding emphatically

By Mr Reed—As secretary of the national democratic committee did you not arrange the ciphers? A I did not

Mr Springer objected to the question whether witness was not dependent on his uncle for support and said it was off-handed

Mr Reed said just as the committee were getting information the democrats objected, etc

Mr Hiscock said he was dissatisfied with witness' answers and proposed to have proper ones

The chairman said the democrats were only interested in getting at the truth.

Mr Hiscock asked if witness considered the proposition to purchase the returning board honest, and if he understood the moneys expended in Oregon were to carry the election?

Witness complained that he was being insulted

Q Did you fully explain the matters before the committee that investigated the Oregon elections? A Yes, sir, I did and have nothing to add to it

On further cross examination, Pelton was unable to state who was the author of the cipher key, but said the same key answered, as far as his recollection went, for South Carolina and Florida The Tribune translations, he added, were inaccurate He gave copies of the key to Coyle and Marble The same key answered for Louisiana, but witness could not say to whom he gave the key there Mr Tilden did not read all the telegrams received He did inquire as to whether or not there was any news from Marble, but he never read a single telegram in relation to the negotiations for the purchase of the returning board

Q Now tell us the exact words of your Uncle A I cannot say I know that he strongly disapproved of what had been doing

Q Then your uncle and Mr Cooper disapproved of your plans from a moral point of view Mr Cooper was treasurer of the national democratic committee, was he not? A He was, but as to his morality, I can't say

Q Did the word Russia mean Mr Tilden? A I guess so

Q Did you present a telegram reading "Tell Russia to saddle Blackstone," to your uncle? A I never did

Q Did he understand what Bolivia Loura meant? A He did not In fact, he never saw any of those telegrams Blackstone was the name of a horse owned by Mr Tilden That's all I know about it

Q That was a suggestion that Mr Tilden should take gentle exercise? A I suppose so

Witness led the southern people to believe that whatever he promised would be faithfully carried out and there was somebody behind him who sanctioned his actions Cooper favored his plan to obtain $80 000 to $80,000 from the national democratic committee There is a great difference between buying an election and buying returning boards Do not recollect with Pelton now, have not since August When Illdon's secretary was regarded as his accredited agent, did not know that he betrayed his confidential friend Weed in saying he could raise $60,000 to $80 000

Mr Hiscock denied this, and asked if he wanted the country to think that witness, without consulting Tilden or any leading democrat, took upon himself to make contracts involving large sums, whereas he had not a dollar? A You are getting offensive again

Q Did you expect to get this money from your uncle? A I did not

Q Then from whom? A From Mr Scott He did not consider he was guilty of an unjust or dishonest act

Mr Hiscock said he desired to examine witness more fully and would insist on an answer to every question coming under the rule

Mr Stenger—I have been patient so far Now let me say you shall get all the answers you want

Mr Reed—That's exactly the object of the committee—the truth and nothing but the truth

Recess

EVENING SESSION

At the evening session Pelton was cross examined by Mr Reed

Q I understand you to say your proposed way of raising this large amount of money to send to Baltimore was by laying the matter before the national democratic committee? A Yes, sir, intended to raise the money it I could I had not made up my mind when I agreed to furnish the money to whom I should have gone for it Would have gone to the most active men in the party for it I might have laid the matter before Cooper and perhaps I would have convened the national committee and laid it before them Somehow that was the sole source of my dependence for money I did not expect money from anyone else Cooper and Scott of the committee were here and I could lay the matter before them

Q Now what reason had you to suppose Scott would engage in a transaction repudiated and denounced by Mr Tilden, your uncle? A None, sir, I would only lay it before him

Q Did you not know or consider Mr Scott to be as reputable and honest a man for instance as your uncle, that he might safely trust the transaction? A I did not consider anything about it

Q Do you want it understood that you telegraphed Marble an unconditional acceptance on your own responsibility without having money ready to carry it out? A I did, but I expected to get money and be ready

By Mr Stenger—I understood you to say that you had no assurances either from Tilden or the democratic national committee that they would supply you with money? A Yes sir, I so stated I knew I could not get the money from Mr Tilden

Q You remember when a leading statesman on the other side went south to see that matters were conducted fairly it was thought necessary to send representative men on the democratic side to see also that the count was conducted fairly? A Yes, sir

Q Was it not a source of sorrow to you to see them all succumbing to temptation? [Laughter] A I scarcely understand you.

Q Of course I mean to the temptation of the returning boards, not to any original sin on their parts [Laughter] Pelton and all present smiled at this question, which was unanswered

Q Did you remonstrate with them by cipher or telegraph? A No, sir.

Q Why not, was the expense too heavy? A I suppose so [Laughter]

By Stenger—Was there anything in Tilden's life which led you to believe that he would have loaned you the money needed for the purposes mentioned? A No, sir, on the contrary, I felt convinced that Mr Tilden would not advance the money and would have nothing to do with the matter

The committee adjourned until to-morrow, having no more questions to ask, but told Pelton not to consider himself discharged

MARBLE'S STATEMENT

The following is the conclusion of Manton Marble's testimony before the Potter committee on the 7th inst, taken up where it ended in our telegraphic report

Mr Hiscock again objected to there frequent explanations They only wanted witness' recollection of the occurrences

This dispatch showed a belief that we should lose both states by fraud Wooley delights in a mystery where to others everything is plain A telegram relating to the circulation of documents was read in full It is as follows

Nov 21, 1876—Col Pelton, 15 Gramercy Park Try to have the documents which the associated press will receive to night, sent over the country by western, New England and other agents Pray stop sending any more people here They delay business and take up more time than I can possibly spare, in utterly needless consultation and palaver Every new one needs an education and local knowledge I have been a week in acquiring The business is all perfectly in hand and every point guarded Heartily glad to see Perry Smith and Gibson of course, who arrived to day Who is Paris? Judge Robertson returns home to morrow Everything looks well

(Signed) MANTON MARBLE

The next dispatch read was as follows

Tallahassee, Nov 27—Col Pelton, 15 Gramercy Park You are impeding the result here by causing divided counsel and neglecting to answer telegrams I advise that you find one person to trust and then trust him for at least one calendar week or possibly two I will stand in nobody's way, and do my best to transfer to him the authority About one hundred myority on certified copies The republicans have same upon returns Rome needless now Should be recalled Harris and detectives always useless Ditto Wooley here as in Louisiana—a nuisance and impediment, trusted by nobody I decline to commit Tilden with a man so indiscreet Smith concurs in all aforesaid Session begun

MARBLE

Witness testified that he had no recollection of this telegram Did not know who Rome was The translation is substantially correct Let me state that I have not examined the cipher key and merely gave this as my opinion

Witness had no explanation regarding the dispatch to Groves in Oregon, stating him not to issue an electoral certificate to the elector Dispatch No 41 explained itself Had no recollection of the Tallahassee dispatch stating that I had just received a proposition to hand over to Tilden the decision of the board and the governor's certificate for 200,000 Did not think he sent it None of these pecuniary propositions were his merely telegraphed them as a matter of news The draft a hundred best United States documents telegram was substantially correctly translated Witness thought that the offer of the returning board was a mere desire to get him off from the other side Witness told them it was too high Tilden would not entertain it C E Dyke, editor of the democrat paper at Tallahassee Florida made the proposition to him He represented the canvassing boards through intermediaries, and told Dyke he could not consent to it, and certainly Tilden would not make any such arrangement

The next telegram was Pelton's accepting the offer, but advising harmony of counsel with Wooley

Witness—Did not do so then, but left it to anybody

The next was Marble's telegram "proposition failed and tell Tilden to saddle Black tone"

Witness said this was another misrepresentation of the Tribune Had no reference to any purchasing transaction Blackstone was the name of Tilden's favorite horse and I thought to give him a cud to chew on, as his master galloped around the park Had no conversation at any time with Tilden about buying out the electoral board So far as he personally knew, no democrat ever attempted to buy out returning board Had no such intention himself Know nothing of the propositions to sell out Suggested going to Florida thinks If thought it necessary

At this point the following letter was read

No 15 Gramercy Park, Feb 7, 1879—Hon L P Hunton, chairman congressional committee, Fifth Avenue hotel. Dear Sir I learn in the public press that it is the desire of your committee to terminate its session in this city the current week I take this liberty to request that before you leave an opportunity be afforded me of appearing before you to submit some testimony which I deem pertinent to the inquiry with which you are charged Yours very re-pectfully,

S J TILDEN

It was resolved that Gov Tilden should appear before the committee at noon to-morrow and that Mayor Cooper, in accordance with his request, should be heard at half-past 10

The examination of Marble was then continued

Had no reference to money matters in telegraphing that something must be done Didn't understand that Wooley was negotiating Had no idea on the subject of where the money would come from if any trade was made

Witness repeated that he only transmitted the various propositions and had nothing to do with their consummation He denied that Pelton had, as he testified, got a telegram from him beginning "Telegram here Ward's proposition failed" They belong to the Tribune

After the decision of the returning board Tilden met witness and denounced the whole proceeding Ames still friendly with Tilden, who does not believe me mixed up in the affair

At the evening session Marble testified that he saw Gov Tilden immediately upon his arrival from Florida, but did not at that time mention to him anything about buying and selling in the Florida business Took pains to conceal from him the whole facts For obvious reasons I knew he would not approve of it Pelton gave me the cipher I knew nothing of its origin

Q Don't you think when a person is connected with something infamous that it would be improper to afford a clear explanation? A I have already published a complete denial of the whole matter

Q Notwithstanding that you addressed your dispatches to No 15 Gramercy park, you never thought of Gov Tilden? A Never, in the least

In reply to Mr Cox witness said I furnished no money for the payment of witnesses, and as far as my kn

Press and Dakotaian

Thursday, February 13, 1879

CITY AND VICINITY

LOCAL LACONICS.

Andrew Baker of this city was tried last week in Vermillion upon an indictment charging him with adultery The jury returned a verdict of acquittal

Miss Ella D Avery who has taught in our city schools for several years past has resigned her school and goes to Council Bluffs to morrow morning The good wishes of many friends go with her

The lower firm of Wm M Powers & Co has been dissolved and the stable stock will be closed out and the building itself made over into two stores Mr Powers will open a harness establishment a few doors west of his present stable location

Gov Howard sent to Elk Point Tuesday a full and unconditional pardon for Wm Whitlock convicted for assault and battery at the January term of the district court for Union county The jury and district attorney and all the leading citizens join in the request The offense was committed under grave provocation, amounting to justification and Mr, Whitlock is a most worthy citizen

The Sioux Falls Pantagraph of the 5th says that Samuel Bortumer of Oakwood Brookings county, was robbed of $211 in a ten pin alley at Sioux Falls a few days ago, the money having just been procured by Mr M Storer on a mortgage on his farm The return of this transaction will be recognized by old citizens of Yankton as "Spot" one of the earliest settlers of Yankton county, and all who knew him will regret that he met this streak of bad luck

The Herald in its last issue charges Gen Beadle with writing anonymously in the columns of this paper, and thus appealing to prejudice favorable to himself as superintendent of public instruction, and with using in the same manner money upon the subject of immigration There is no truth whatever in either assertion We refer our columns upon any subject within the control of months has Gen Beadle written over his own signature upon immigration and the principles avowed therein have since been approved by the Board Gen Beadle has far more self respect than the Herald, as is evident from the course he has taken upon this subject

DAKOTA LEGISLATURE

Proceedings of the Thirteenth Session

COUNCIL—26TH DAY

Sunday, Feb 8—The council met at 10 o'clock a m and was called to order by the president

Prayer by the chaplain

Roll called showed all members present

The minutes of yesterday's proceedings were read and approved

MESSAGE FROM THE HOUSE

A message was received from the house announcing the passage by that body of the following bills Council bill's Nos. 3 42, and 44 and house bills Nos 45, 48 and 54 and the house had indefinitely postponed council bill No 11 being a bill to repeal section 920 of the justice code

EXCUSED

On motion of Mr Edmunds, Mr Valentine was excused for absence from yesterday session of the council

REPORTS OF COMMITTEES

Mr Wynn, from the committee on education, reported back and recommended the passage of house file 27, authorizing school district No 1 in Richland county to issue bonds

Mr Roberts, of the judiciary committee, reported with favorable recommendation the following bills

Council bill No 53, providing for the appointment of a fire warden in the town of Deadwood

Council bill No 57 to amend the charter of the city of Fargo

Mr MacNider reported council bills Nos 3, 7, 43, 44 and 55 correctly enrolled

NOTICE OF BILLS

By Mr Kuykendall—To amend chapter of the political code, to amend chapter of the political code, and to provide exemption allowance for the judge of the first judicial district

INTRODUCTION OF BILLS

By Mr Pettigrew—A bill for an act to remove doubt as to the eligibility of certain officers

By Mr Kuykendall—A bill for an act to amend section 6 of chapter 5 of the political code

Also a bill for an act for the relief of Lawrence county

Also a bill for an act to authorize Lawrence county to fund its indebtedness

By Mr Wynn—A bill for an act to provide for the election by the people of the members of the board of education of the city of Yankton

Which bills were read a first time.

THIRD READING OF BILLS

Council bill No 55—A bill for an act providing for the appointment of a fire warden of the town of Deadwood Passed

Council bill No 57—To amend the charter of the city of Fargo Passed

HOUSE BILLS.

House files 45, 48 and 54 were read a first time

House file No 34, was read a second time and referred to the committee on judiciary

House file No 40 had its second reading and was referred to the committee on municipal affair

House file No 47, was read and referred to the committee on counties

House file No 27, in regard to the issue of bonds by school district No 1, in Richland county, after being read a third time on motion of Mr Roberts, recommitted to the committee on counties

REPORTS OF COMMITTEE

Mr Valentine, from the committee on enrolled bills, has consent, reported back and recommended the passage of council bill No 62, relating to mill dams and mills, and council bill 53, providing compensation for clerks of the district courts without recommendation

During the third reading of the last named bill, Mr Roberts moved that the council go into committee of the whole thereon, which motion was lost, and the reading of the bill was then concluded

Mr Roberts opposed the passage of the bill and Messrs Wynn and Edmunds favored it.

The bill was lost by a vote of ayes 5, noes 8

Council bill No 62 repealing section 339 of the code of civil procedure relating to mill dams and mills Passed

SENT TO THE GOVERNOR

Mr Valentine from the joint committee on enrolled and engrossed bills, reported that he had presented to the governor for his action thereon council bills No's 1, 5, 7, 24, 25, 31, 29, 29, 30, 32 and 35

MESSAGE FROM THE GOVERNOR

A message was received from the governor announcing the approval of certain bills which originated in the council

COMMITTEE OF THE WHOLE

On motion of Mr Day, the council went into committee of the whole on council bill No 56, a bill for an act creating a school law for the territory of Dakota, Mr Miner in the chair

Mr Pettigrew renewed his motion made yesterday, limiting the total compensation and allowances of the superintendent of public instruction to $250 a year, which motion was again lost by a tie vote.

Mr. Day moved to strike out the first seven sections of the bill Lost

Mr Roberts moved to make the compensation $1,000 a year

Mr Pettigrew moved to amend by making it $2,000

Upon these motions a long discussion followed, and on a vote being taken the amendment of Mr Pettigrew was lost

The motion of Mr Roberts to make the compensation $1,000 was also lost

Mr Pettigrew then moved to strike out sections six and seven of the bill Lost

A motion by Mr Wynn to increase the salary allowed the superintendent from $200 to $400 a year was lost

Mr Pettigrew then renewed his motion to strike out the first seven sections of the bill, which motion prevailed

On motion of Mr Roberts the committee rose and instructed the chairman to report the bill back to the council with a recommendation that it do not pass

When the president resumed the chair, Mr Roberts moved that the report of the committee of the whole be adopted, which motion did not prevail

A motion was then made by Mr Pettigrew that the consideration of the bill in committee of the whole be resumed 2 o'clock this afternoon The motion was lost

A motion was then made and adopted making the bill a special order on Monday at 11 o'clock a m

ADJOURNMENT

On motion the council adjourned till 10 o clock a m, Monday, Feb 10

HOUSE—26TH DAY,

The house convened pursuant to adjournment, at ten o clock a m

Mr Speaker in the chair

Prayer by the chaplain, Rev J P Coffman

Roll call showed all members in their seats excepting Mr Stewart, excused, and Mr Johnson

The journal of yesterday session was read and approved

COUNCIL MESSAGE

A message was received from the council announcing that house file 13 had been passed by the council with amendments The bill relates to compensation of public officers

Also the concurrence of the council in the house amendments to council bill two

AN UNLOOKED FOR EVENT

Mr Flick rose to a question privilege As he came to his feet the double doors which occupy the main entrance to the house chamber flew open and the sergeant at arms and the messenger appeared bearing between them a massive chair Placing it in the aisle in front of the speaker's desk, the chair bearers withdrew and Mr Flick stepped forward and in a few fitting words presented the chair to Speaker Jackson, in behalf of the members of the house, as an acknowledgment from them of their appreciation of the courteous manner in which they had been treated by the presiding officer and of their esteem for him

Speaker Jackson was taken by surprise, but he rallied quickly and accepted the present with many thanks and a promise to use his best endeavors to spread himself sufficiently to fill the chair

On motion of Mr Burbank, the speaker appointed a committee composed of Messrs Burbank, Flick and Stephens, to place the chair upon the platform behind the speaker's desk for the use of the speaker

Speaker Jackson settled himself in his new seat with the remark that he hoped he should always honor it and the good intentions of the donors

The chair of which the worthy speaker has thus become possessed of is an extensive piece of furniture and contains enough lumber to build a small house It is broad and deep and high and its posts are six or eight inches in diameter Underneath the entire structure are a couple of rockers which reach half way across the platform upon which it stands

EXPUNGED

Mr Burbank moved that all record of contempt be expunged from the journal of the house So ordered

PETITIONS PRESENTED

Mr Brown presented a petition asking for the consolidation of Hutchinson and Armstrong counties, signed by seventy persons

Mr Whitfield presented petitions, containing 700 names, asking that Lawrence county be divided and Howard county established

COMMITTEE REPORTS

Mr Gamble, from the judiciary committee reported back council bill No 15 with amendments and a recommendation that it pass, also house file No 43 with a recommendation that it pass and the report and the bill lie on the table until Monday This measure relates to the care of the territorial library and it was laid over in order to give the members of the house an opportunity to visit the library and gain an idea from personal inspection of its importance as a territorial institution

Mr Langness from special committee, reported back council bill No 50 with amendments and a recommendation that it pass

Mr Weeks, from special committee, reported back house file 32 with amendments and a recommendation that it pass

Mr Cross reported that two of the select committee to whom was referred house file 32 recommended the indefinite postponement of the bill

Mr Whitfield from the special committee, reported back house file 37 with a recommendation that it be referred to the committee of the whole

A MOTION LOST

Mr Cross moved that further action on house file 32 providing for the construction of a jail and other buildings in Clay county be indefinitely postponed The motion was voted down

NOTICE OF BILLS

By Mr Fockler—For an act to amend section 11 of chapter 28 of the political code

By Mr Huseboe—For an act to amend sections 5 and 6 of chapter 39 of the political code

By Mr Gamble—For an act creating the office of reporter of the supreme court and for filling the same and for other purposes.

By Mr Walton—For an act to amend section 27 of the act authorizing a board of education for the city of Yankton

INTRODUCTION OF BILLS

H F No 59—By Mr Peterson—for an act concerning public highways, road districts and road supervisors and their duties and compensation in Union county, and cause the same to conform to the general law

H F No 60—By Mr Flick—by unanimous consent—For an act to regulate the compensation of public officers in the first judicial district

H F No 61—By Mr Gamble—by unanimous consent—For an act to authorize the purchase and distribution of one hundred volumes of the first Dakota Reports

H F No 62—By Mr Helvig—For an act to regulate the testing of wheat, barley and other grain

COMMITTEE REPORTS

Mr Stephens, from the committee to whom was referred that portion of the governor's message relating to immigration, reported the same back without recommendation

COUNCIL BILLS

Council bill 7, substitute, had its third reading, and, being put upon its passage, was lost by a vote of 21 to 3, Messrs. Burbank, Flick and Trygstad voting in the affirmative and the other members in the negative, except Messrs Stewart and Johnson, who were absent

Council bill 15, relating to corporations, had its third reading and was passed by unanimous vote

Council bill 52, providing a board of education for Sioux Falls, was, on motion of Mr Stephens, made the special order for Tuesday, at two o'clock p m

HOUSE BILLS

House file 13 was, on motion of Mr Gamble, referred to the judiciary committee

House file 53 was, on motion of Mr Brown, referred to the committee of the whole and made the special order for two o clock p m, in connection with council bill 40

House file 55, adding certain territory to the Yankton school district, was, on motion of Mr Burbank, amended by Mr Stephens, referred to a committee of five, of which Mr Gamble be chairman The speaker added the other members of the Yankton county delegation and Mr Stephens to the committee

House file 56, changing the name of the county seat of Richland county, under suspension of the rules, had its several readings and was passed by unanimous vote

House file 57 for the relief of Grand Forks county, under a suspension of the rules had its several readings and was passed by unanimous vote

House file 58 for the organization of Howard county, was on motion of Mr Stephens, referred to the Black Hills delegation

House file 24, in reference to the relief of C J B Harris was referred to the committee of the whole, on motion of Mr Fockler, and permission given to interested parties to make statements

House file 32, was laid upon the table until Tuesday, on motion of Mr Cross

BILLS SIGNED

The speaker announced that he had, in open session signed council bills 2, 27, 42, 54 and 55

A LIVELY TILT

Mr Stephens called for a report from the chairman of the committee on engrossment and enrolment and intimated that Mr Gray who is the chairman aforesaid, had neglected the duties of a position he had accepted

Mr Gray responded vigorously and in the most emphatic terms denied the allegation He said that it had been thus far impossible to perform the duties of the position, owing to a large amount of other work on his hands

Mr Burbank stated that the question now was whether or not the chairman of the committee was doing his duty

Mr Gray rose to reply and Mr Burbank raised the point of order that there was no motion before the house, which point was sustained

Mr Stephens then put his suggestion in the form of a motion that the chairman aforesaid be called upon to make a report, and after some warm argument the motion was adopted

RECESS

On motion of Mr Gamble, the House, at 11 15 m, took a recess to two o'clock p m

AFTER RECESS

The speaker announced a special order in committee of the whole

COMMITTEE OF THE WHOLE

On motion of Mr Burbank, the house went into committee of the whole on council bill 40 and house file 53 Mr Gray in the chair These two measures relate to the consolidation of counties and changes of boundaries of counties in southern Dakota

THE COMMITTEE ROSE

without action, reported progress and asked leave to sit again The report was adopted, on mot on of Mr Gray

Mr Fockler moved that the house go into committee of the whole on house file 26, a bill relating to the time and manner of making fire guards

Mr Stephens moved that the house adjourn

Mr Gray moved to amend the motion by adjourning to half past two o'clock

Mr Gray rose to a question of privilege and moved that Mr Stephens be excused,

Mr Burbank moved to lay Mr Gray's motion on the table which motion was seconded by Mr Stephens and adopted

The question being Mr Stephens motion to adjourn, it was lost

Mr Fockler's motion that the house go into a committee of the whole on house file 26 was put and adopted and the house went into

COMMITTEE OF THE WHOLE

on house file 26, Mr Gray in the chair After listening to the reading of the report of the committee on territorial affairs, which recommended that the bill pass with sundry amendments,

THE COMMITTEE ROSE

and reported the bill back to the house and recommended its passage as amended by the committee on territorial affairs The report was adopted

Mr Gray moved that the house go into committee of the whole on council bill 40 and house file 53

Mr Burbank moved to lay Mr Gray's motion on the table

The ayes and noes being called, Mr Burbank's motion was adopted by a vote of 13 to 12

ADJOURNMENT

Mr Burbank moved that the house adjourn The ayes and noes were called for, and the house by a vote of 15 to 10 adjourned at 2 30 p m to ten a m, February 10th

COUNCIL—28TH DAY

GENERAL COMMENTS

Brown's bill and its twin measure, Pettigrew's council bill forty, are still a popular theme in the house and a subject of much anxiety to their parents It is a generally accepted fact that Pettigrew is the father of both measures and some of the jokers who have no veneration in their hearts for the gentlemen from the tenth district, assert that Brown is their mother Mr Brown resides in Hutchinson county, though he was chosen to also represent Armstrong, Hanson and Davison counties His bill proposes to make Armstrong and Hutchinson counties one, under the name of Hutchinson, and Hanson and Davison counties one, under the name of Hanson It also provides that all the Armstrong county and Davison county officials now in office shall step down and out and that the officers of Hutchinson and Hanson counties shall run the two machines It will be observed that Mr Brown has not forgotten his own county in this arrangement, but his thoughtfulness and gratitude does not here end, for his bill expressly dictates that Fred Heiser shall be a county commissioner in the improved Hutchinson county from the day the act takes effect As Mr Heiser is the man to whom Mr Brown is indebted for the nomination which placed his name upon the successful ticket in last fall's legislative contest, he is to be very much applauded for so kindly remembering Mr. Heiser in his bill But for Heiser there would have been no Brown in the legislature, and as a consequence no Brown's bill It is therefore fitting that the name of Heiser should have a distinguished place in the bill of Brown This is not the only object Mr Brown had in view in making this attempted consolidation The county of Hutchinson, as it now is, owes about $ 4,000 while the county of Armstrong is out of debt By the terms of the proposed consolidation the property owners of Armstrong county must help pay off this incumberance, for which they are in no way responsible As a result, Mr Brown's and his neighbors' taxes will become less and the taxes of the Armstrong county people will become greater But Mr Brown may not have thought of this, though he certainly did think of Heiser The principal motive for fixing up the consolidation of Hanson and Davison counties can be explained in a very few words Pettigrew, the paternal parent of the bill, owns or is agent for a tract of land near the geographical center of the county of Hanson as it is to be if the bill goes through This tract of land can never become a county seat unless existing lines are changed, and he has got Brown to propose to the legislature and to the governor to fix things up so that this land will become more valuable It is a scheme against the interests of Rockport, now the most promising town on the Jim river Pettigrew is shrewd enough to see that there must be a flourishing city at or near Rockport He cannot buy up the townsite of that village, so he goes farther up the river, where land is cheaper, puts in his stakes and relies upon the legislature of Dakota to do the rest of the job The portion of this bill that does not refer to Hutchinson, Armstrong, Hanson and Davison counties has a bearing upon the future of about a dozen unorganized counties north and east from the counties named It changes boundary lines and names and the entire scheme is recognized by those who have studied the subject as having been concocted in the interest of several railroad lines now pointing across the territory and in the interest of a few schemers who will proceed to gain possession of certain desirable centers, should the bill become a law There has heretofore been no objection to existing county boundaries and as some explanation of proposed changes is in order, we give this as coming very near the truth We have picked up these facts here and there, and give them as a part of the current gossip

Monday, Feb 10—The council met pursuant to adjournment, and was called to order by the president

Prayer by Chaplain Potter

Roll called, members all present

Minutes of Saturday's proceedings were read and approved

MESSAGE FROM THE HOUSE.

A message from the house announced the passage by that body of council bill No 15, and its refusal to pass council bill No 7, the passage of house files Nos 56 and 57, and concurrence in the council amendments to house files Nos 5 and 8

MESSAGE FROM THE GOVERNOR

A message was received from the governor, returning without his approval council bills Nos 17 and 20 No 17 amended that provision of the code in regard to the acknowledgment of deeds which required the officer taking the acknowledgment to inform the wife of the grantor apart from her husband of the contents of the instrument

On calling the roll on the question whether the bill shall pass, the objections of the governor to the contrary, the vote stood Ayes—Messrs Cuppett, Day, Kuykendall, Pettigrew, Roberts, Valentine and Mr President—7 Noes—Messrs Edmunds, Ellis, Miner, MacNider, Rohr and Wynn—6 The necessary two thirds not voting in the affirmative, the bill did not prevail

The other bill vetoed—No 20—provided for a higher rate of interest in the Black Hills counties than is now authorized by law The vote on the passage of the bill over the veto stood ayes 6, noes 7, so the bill failed

The governor's message received on Saturday was read announcing his approval of the following council bills

No 25—Enlarging the boundaries of the county seat of Clay county

No 30—Authorizing school district No 2 in the county of Grand Forks to issue bonds

No 32—Locating the county seat of Grand Forks county

No 35—Amending the act creating a board of education for the city of Vermillion

BILLS SENT TO THE GOVERNOR

Mr Valentine, from the joint committee on enrollment, reported that he had on Saturday presented to the governor for his action thereon council bills Nos 2, 37, 43 54 and 55

MOTIONS

Mr Ellis moved to reconsider the vote by which council bill No 62 relating to mill dams and mills had passed the council The motion prevailed

PETITIONS

Mr Wynn presented two petitions from citizens of Yankton asking the passage of a law allowing the people to elect the members of the board of education of the city of Yankton

REPORTS OF COMMITTEES.

Mr Roberts, from the committee on judiciary, reported with amendments house file No 2, and recommending its passage

Mr Valentine from the committee on territorial affairs, reported council bill No 16, and house file No 40, and recommended their passage

Mr Pettigrew, from the committee on railroads, reported house file No 3, the railroad bill, with amendment, and recommended its passage as amended

The same gentleman, from the select committee to ascertain from the secretary of the territory the amount of funds in his hands, made report to the effect that there is not enough money to pay all the legislative expenses, but that the members should have the first "whack at it," that if the public printing had been let to the lowest bidder, there would have been money enough to meet all proper demands The report was signed by Messrs Pettigrew, Miner and McNider

INTRODUCTION OF BILLS

By Mr Edmunds—A memorial for a new land district in the Red river valley

On motion of Mr Edmunds the rules were suspended and the memorial had its several readings and passed

By Mr Edmunds—A bill for an act making an appropriation for the completion of the insane asylum, and for its maintenance for two years The bill is accompanied by an estimate of the amount necessary to be appropriated The estimate makes the amount $24,990

On motion of Mr Roberts the estimate was ordered printed with the bill

By Mr Edmunds—A bill for an act making appropriations for the building and maintenance of a territorial penitentiary, accompanied by an estimate which was ordered printed with the bill

By Mr Wynn—A bill for an act providing for changing, continuing and establishing public highways, and for other purposes

By Mr Roberts—A bill for an act providing a board of education for the city of Fargo

By Mr Kuykendall—A bill for an act to provide extra compensation for the judge of the first judicial district,

A bill for an act to amend section 93 of the justices code,

A bill for an act to amend chapter 10 of the political code,

A bill for an act in regard to the smoking of opium, and

A bill for an act amending chapter 48 of the political code relating to apportionment of representation in the legislative assembly

By Mr Day—A bill for an act for the protection of labor

POSTPONED

On motion of Mr Pettigrew, the consideration of council bill No 56, relating to public school law, which had been made the special order for 11 o'clock to-day, was postponed until 11 o'clock to-morrow.

MESSAGE FROM THE GOVERNOR

A message was received from the governor announcing his approval of the following council bills.

No 2—Increasing the number of justices of the peace and constables in certain counties

No 37—Relating to the rules of evidence in criminal cases

No 43—To attach the counties of Wallette and Montraille to the county of Burleigh for certain purposes

SECOND READING OF BILLS

Council bill No 63—To remove doubts as to the eligibility of certain officers

On motion of Mr Pettigrew, the rules were suspended, and the bill passed

Council bill No 63—A bill for an act for the relief of Lawrence county

On motion of Mr Kuykendall, the rules were suspended and the bill passed

Council bill No 66—A bill for an act to amend section 6 of chapter 5 of the political code, was read a second time and referred to the judiciary committee

Council bill No 67—A bill for an act to provide for the election of members of the board of education of the city of Yankton, had its second reading, and was referred to the Yankton county members

Council bill No 46—To amend chapter 28 of the political code Passed

HOUSE BILLS

House files 56 and 57 had their second reading

House files Nos 45 and 48 were read a second time, and referred to the committee on judiciary

House file No 2—A bill for an act relating to persons engaged in the business of banking

Mr Edmunds moved that the bill be indefinitely postponed, which motion was lost

Mr Edmunds then moved to make the bill the special order at 2 o'clock p m next Thursday Lost

The bill was then passed, ayes 10, noes 3

Mr Pettigrew gave notice that he would on to morrow move a reconsideration of the vote by which the bill passed

Mr Roberts moved that the vote by which the bill passed be reconsidered and that the motion to reconsider lie on the table, which motion did not prevail

House file No 40, relating to ferries, was read a third time and passed

Mr Roberts gave notice of his intention to move a reconsideration of the vote by which the bill passed

House file No 3, the railroad bill, was taken up and the amendments reported by the committee on railroads adopted

The reading of the bill at length was dispensed with and the bill passed, ayes 11, noes 2, Messrs Miner and Rohr voting in the negative

RELIEF OF GRAND FORKS COUNTY

Mr Kuykendall moved that the rules be suspended and house file No 57, to refund to Grand Forks county the territorial tax for the years 1879 and 1880, to reimburse the county for expenses incurred in suppressing the small pox, which motion prevailed

The bill then had its several readings, and it appearing that its wording did not meet the intention of the friends of the measure,

On motion of Mr Kuykendall the vote suspending the rules was reconsidered, and the bill referred to the committee on agriculture

On motion of Mr Wynn the council, at 1 o'clock p m adjourned till 11 o'clock to-morrow

HOUSE—28TH DAY

The house convened pursuant to adjournment, at ten o'clock a m

Mr Speaker in the chair

Prayer by the chaplain, Rev J P Coffman.

Roll call showed all members present, excepting Mr Stewart, excused

The journal of Saturday's session was read and approved

ANOTHER PETITION

Mr Brown presented a petition from twenty-nine residents of Rosedale and vicinity (which said Rosedale is the proposed county seat of the new county) asking for the consolidation of Hanson and Davison counties On motion of Mr. Brown the petition was assigned to a place with previous petitions in connection with house file 53, to be considered in committee of the whole

COMMITTEE REPORTS

Mr Gamble, from the judiciary committee, reported back house file 55 with a recommendation that pass

Mr Langness, from the committee on agriculture, reported back house file 51 with amendments and recommended its reference to the committee of the whole

Mr Fockler, from the special committee to whom was referred council bill 38, reported back the same with sundry amendments and recommended its passage

Mr Gamble, from the committee to whom was referred council bill 33, reported the same back with sundry amendments and recommended its passage

MOTIONS AND RESOLUTIONS

Mr Gamble introduced a resolution reviving the committee to whom was referred the treasurer's report and making it their duty to examine into the auditor's report and all his accounts and to report the result to the house The resolution was adopted

Mr Fockler presented a resolution instructing and authorizing the secretary of the territory to give to each of the clerks and messengers of the house a copy of the revised codes Adopted

Mr Langness moved that the committee on insurance, banks and banking be instructed to report back council bill 34 to morrow So ordered. The bill relates to the establishment of a penitentiary at Sioux Falls

Mr Gamble presented a resolution to the effect that the resignation of Mr Gray as chairman of the committee on enrollment and engrossment be accepted The resolution was adopted

Mr Gray moved that Mr Walton be made chairman of the committee on engrossment and enrollment The motion was adopted

On motion of Mr Burbank, Mr Gamble was placed upon the same committee in place of Mr Walton, promoted to chairman

On motion of Mr Weeks, Mr Johnson was excused from non attendance on Saturday on account of sickness

On motion of Mr Gamble, the vote by which house file 24 was made the special order for two o'clock p m to day was reconsidered and the report of the committee thereon was laid on the table and the bill referred back to the committee from whence it was first reported with instructions to revise the same and make a report thereon

INTRODUCTION OF BILLS

H F No 63—By Mr Gamble—For an act creating the office of reporter of the supreme court and providing for filling the same and for other purposes.

H F No 64—By Mr Gray, by unanimous consent—For an act to amend section 324 of chapter 13 of the code of civil procedure

H F No 65—By Mr Gray—For an act to amend chapter 1 of the political code

H F 66—By Mr Huseboe, by unanimous consent—For an act to amend sections 5 and 6 of chapter 39 of the political code

H F No 67—By Mr Huseboe—For an act changing, discontinuing or establishing public highways and for other purposes

H F No 68—By Mr Huseboe—For an act to authorize school districts to issue bonds in the counties of Minnehaha, Moody, Brookings and Lake, for building school houses

H F No 69—By Mr Trygstad—A memorial to the postmaster general asking for the extension of certain mail routes in Dakota territory.

H F No 70—By Mr Flick, by unanimous consent—For an act to consolidate certain election precincts in the counties of Lawrence, Pennington and Custer, for certain purposes

Under a suspension of the rules, on motion of Mr Flick, house file 70 had its second reading

COUNCIL BILLS

Council bill 33, relating to notaries public, reported back from the judiciary committee with amendments, had its third reading, and was passed by unanimous vote

Council bill 38, providing for the organization of civil townships and the government thereof, reported back from special committee with amendments, was agreed to, had its third reading and was passed by unanimous vote

HOUSE BILLS

House file 59, relating to roads and road supervisors in Union county, was referred to the committee on counties and townships, on motion of Mr Peterson

House file 61, was referred to the judiciary committee, on motion of Mr Peterson

House file 62, to regulate the testing of wheat, barley and other grain, was referred to the committee on territorial affairs, on motion of Mr Langness

House file 55, to annex certain territory to the Yankton school district, reported back from the judiciary committee with amendments, was agreed to and the bill had its third reading and was passed by unanimous vote

House file 26, regulating the time and manner of making fire guards, reported back from committee of the whole with sundry amendments, was further amended by Mr Fockler and had its third reading and was passed by unanimous vote

House file 43, providing for the expenses of the territorial library, and reported back from the judiciary committee with a recommendation that it pass, had its third reading and was passed by unanimous vote

House file 51, reported back from the committee on agriculture with amendments, was on motion of Mr Brown, referred to the committee of the whole

COUNCIL MESSAGE

A message was received from the council transmitting council bills No 53, 59 and 60, passed on the 8th inst, also a memorial relating to the establishment of a new land district in the Red river valley

Under a suspension of the rules, the memorial had its several readings and was passed by unanimous vote

VARIOUS MOTIONS

Mr Gamble moved that the engrossing and enrolling clerk be under the direction of the chief clerk, and that the chief clerk be held responsible for the correct enrolling and engrossing of bills So ordered

Mr Burbank, with permission from Mr Brown, moved that council bill 40 and house file 53 be made the special order for two o'clock p m, to day Adopted

Mr Gamble moved that the speaking by outside parties on these measures be limited to fifteen minutes each

Pending a discussion upon this motion, Mr Gray moved to

ADJOURN,

and the motion was adopted The speaker announced that the house stood adjourned to two o'clock p m

AFTER RECESS

The speaker rose to a question of privilege and announced that the house during the forenoon session, had made certain measures a special order for two o'clock p m Without further action a motion had been made and adopted to adjourn and he had announced the house adjourned to two o'clock p m presuming the motion to be an inadvertence He now asked the house to decide whether or not he had exceeded his prerogatives in so ruling

Mr Burbank held that the motion to adjourn, made by Mr Gray, carried the house over until to morrow morning at ten o'clock, and in this opinion he was sustained by Mr Gamble and Mr Stephens, who held also that any business transacted would be null and void for the reason that there was no session Mr Stephens read from Barcly's Digest in support of this view of the case

Mr Gray insisted that his motion to adjourn did not carry the house over to ten o'clock to morrow morning, because the speaker in stating the result of the motion had said that the house was adjourned only to two o'clock p m

The question was discussed for half an hour, when Mr Gamble brought matters to a decision by presenting a motion to the effect that it was the sense of the house that the house was not properly assembled, but that it had adjourned to ten o'clock a m to morrow

The ayes and noes were called and the motion adopted by a vote of 18 to 7, and the speaker declared the house not in session

COUNCIL—29TH DAY

GENERAL COMMENTS

Judge Kuykendall yesterday introduced in the council a bill dividing the territory into council and representation districts and apportioning the representation therein The bill defines the districts and assigns representation as follows 1st district, Union county—one member of the council and two of the house, 2d district, Clay county—one member of the council and two members of the house, 3d district, Yankton county, one member of the council and two of the house, 4th district, Bon Homme, Charles Mix, including the Yankton reservation, Brule, Buffalo, Hutchinson, Armstrong, Hanson and Davison counties—one member of the council and two members of the house, 5th district, Lawrence county—two members of the council and five members of the house, 6th district, Turner and Lincoln counties—one member of the council and two members of the house, 7th district, Minnehaha and McCook counties—one member of the council and two of the house, 8th district, Lake, Moody, Brookings, Deuel, Codington, Hamlin, Wood and Grant—one member of the council and two members of the house, 9th district, Cass, Richland, Barnes, Ransom, Foster and Stutsman counties—one member of the council and two members of the house, 10th district, Traill, Grand Forks, Ramsey, and Pembina—one member of the council and two members of the house, 11th district Burleigh, Kidder, Morton, Emmons and Stevens—one member of the council and one member of the house, 12th district, Pennington and Custer counties—one member of the house

C H McKinnis brought into the house his morning's big bundle of paper which being unrolled proved to be a petition signed by nine hundred residents of Lawrence county protesting against a division of the county Mr McKinnis telegraphed to Deadwood that a bill would be put in to the house for the creation of the county of Howard out of a portion of Lawrence county and this petition comes in reply to his information The Deadwood Pioneer of a recent date takes occasion to compliment Mr McKinnis for his prompt action in this matter and intimates that the names to the petition asking for the division of the county were not procured in a straightforward manner From the tone of the Pioneer upon this subject we infer that Deadwood is opposed to any division of Lawrence county

The penitentiary bill had its run through the house this morning and passed by a very large majority, with a couple of fresh sections tacked to it which materially modify the measure. The bill locates the penitentiary at Sioux Falls, but before it can be built an appropriation bill must pass Mr Stephens fought hard against the bill, but was outnumbered

The bill giving Clay county the privilege of levying a tax for the construction of a jail and other public buildings has been one of the most closely contested measures of the session The Clay county house delegation was equally divided, one-half favoring the bill and the other half opposing it It came to a vote in the house to-day and was passed by a majority of four, Mr Gunderson speaking in its favor and Mr Cross against it. The bill now goes to the council

Tuesday, Feb 11—The council met at 10 o'clock, and was called to order by the president

Prayer by the chaplain

Roll call, members all present

On motion of Mr Pettigrew the reading of the minutes of yesterday's session was dispensed with

PETITION

Mr Roberts presented a petition which at his request was laid upon the table to be called up at some future time

REPORT OF COMMITTEES

Mr MacNider, from the committee on enrollment, reported sundry council bills correctly enrolled

Mr Pettigrew, from the committee on railroads, reported back council bill 38 with amendments

Mr Ellis, from the committee on counties, reported back house files 27 and 47 and recommended their passage

INTRODUCTION OF BILLS

By Mr Kuykendall—A bill for an act to amend sections 323, 324 and 325 of the code of civil procedure, also, a bill for an act to exempt volunteer firemen from service as jurors and payment of poll tax

By Mr Cuppett—A bill for an act to authorize certain towns and townships in Lincoln county and the village of Dell Rapids to aid in the construction of railroads

SECOND READING OF BILLS

The following council bills had their second reading and were referred as follows

No 64, to fund the indebtedness of Lawrence county, to the committee on judiciary

No 69, to issue bonds for the construction and maintenance of insane asylum and penitentiary, to the committee on judiciary

Nos 70 and 71, making appropriations for construction of insane asylum and penitentiary, to the committee on judiciary, with instructions to embody the appropriations in one bill

No 77, providing extra compensation for the judge of the first judicial district, to the committee on judiciary

MESSAGE FROM THE HOUSE

A message informed the council that the house had passed council bills 68 33 and 38 the two last with amendments, also house files 26, 43 and 55, and a joint resolution giving to each employe of the legislative assembly a copy of the revised codes

On motion of Mr Kuykendall, the house amendments to council bill 33 relating to notaries public, were concurred in

On motion of Mr Cuppett house amendments to council bill 38, providing for the organization and government of civil townships, were concurred in

THIRD READING OF BILLS

Council bill No 50, authorizing certain counties to aid in the construction of railroads, was read a third time, and referred to the committee on engrossment

Council bill No 62, relating to mill dams and mills, having been passed, and the vote by which it passed reconsidered, came up for consideration, and on motion of Mr Edmunds was referred to the committee on judiciary with instructions to report a substitute for the bill

On motion of Mr Kuykendall, council bills 66, 74, 75, 76 and 78 were referred to the judiciary committee

THE QUESTION OF PER DIEM

The president read a communication from the secretary of the territory in reply to a joint resolution of the legislature, inquiring in regard to the per diem of members In his reply, the secretary says that he submitted the matter to the proper authorities at Washington, and the construction placed upon the law by them is, that members shall receive four dollars a day instead of six

COMMITTEE OF THE WHOLE

The council at 11 o'clock went into committee of the whole, Mr Valentine in the chair, on council bill No 56, relating to a public school law

Mr Roberts moved to commence at the beginning of the bill and consider it by sections, which motion was lost

Mr Pettigrew moved to commence the consideration at section 8, which motion was also lost

Mr Walsh presented a substitute for the first seven sections of the bill

On motion of Mr Pettigrew the substitute was ordered printed and the whole subject made a special order at 11 o'clock to morrow

The committee then rose, reported progress and asked leave to sit again at 11 o'clock to morrow forenoon, which report was adopted

HOUSE FILES

The following house bills had their first reading

No 26 relating to fire guards

No 43 providing for the expenses of the territorial library

No 55, annexing certain territory to the Yankton school district

The following house bills were read a second time and referred as follows

No 54, to the committee on judiciary

No 56, on president's table

THIRD READING

House file No 37, authorizing school district No 1, Richland county, to issue bonds Passed

House file No 47, authorizing the county of Richland to fund its outstanding indebtedness Passed

House file No 57, refunding to Grand Forks county territorial taxes for the years 1878 and 1879 Passed

RESOLUTIONS

The house concurrent resolution in regard to furnishing the employes of the legislative assembly with copies of the revised codes was read, and laid over to come up in its regular order

Mr Edmunds called up the resolution offered by him several days ago in regard to the final adjournment of the legislature on the 13th inst and moved to amend the resolution by fixing the day of adjournment on the 18th of February

Pettigrew moved to amend by fixing the day of adjournment on the 22d inst which motion prevailed

Mr Cuppett then moved that the resolution be indefinitely postponed, which motion prevailed

ADJOURNMENT

On motion of Mr Miner the council adjourned until 10 o'clock to-morrow morning

HOUSE—29TH DAY

The house convened pursuant to adjournment, at ten o'clock, a m

Mr Speaker in the chair

Prayer by the chaplain, Rev J P Coffman

Roll call showed all members in their seats, excepting Mr Hoyer

The journal of yesterday's session was read and approved

A REMONSTRANCE

Mr Cross presented a remonstrance signed by 140 residents of Clay county against the passage of any act authorizing a tax for the purpose of building a jail or other public buildings

COMMITTEE REPORTS.

Mr. Stephens, from the committee to whom was referred house file 50, reported the same back without amendment and recommended its passage

On council bill 34, the Sioux Falls penitentiary bill, Mr Stephens asked for a little time to procure the signature of an absent member of the committee to the report The bill had been referred to the committee on insurance, banks and banking

Mr Walton, from the committee on engrossment and enrollment, reported back house files number 6, 19, 22, 18, 8, 23 and 41 as correctly enrolled

Mr Gamble, from the judiciary committee, reported back council amendments to house file 13, relating to compensation of public officers, with a recommendation that the house concur in said amendments

Mr Gray rose to a personal explanation, in which he stated that he had signed the committee report on the Sioux Falls penitentiary bill which reported the bill back without recommendation He now understood that the report had not been submitted, and desired to give notice that he would submit a minority report,

Mr Stephens, chairman of the committee to whom the bill had been referred, stated that his report was made out and ready to hand in It was signed by three members of the committee, and he was waiting to procure the signature of Mr Hoyer, a fourth member, who was absent this morning

Mr Burbank moved that the committee be allowed further time The motion was lost

Mr Stephens then put in the report of the committee without the signature of Mr Hoyer

Mr Peterson presented a minority report recommending the passage of council bill 34

Mr Brown reported back house file 59, concerning highways, &c

Press and Dakotaian

Thursday, February 13, 1879.

CITY AND VICINITY

D C Dudley has invented a walking machine which is a secret yet, but it will enable one to get over the ground at a lively rate

Dr Livingston is moving into his new residence on Douglas street

J S Grable, of Vermillion, has opened an auction house in Stone's block, Capital street

Hon S L Spink returned last night from the east, very much improved in health by his month of rest During his absence Mr Spink visited Washington He says it is not possible for any bill to pass congress this season for dividing Dakota or for making it a state, but he thinks there is a bare possibility that congress may order an additional judge for our territory

During yesterday's race between Dr Flick and the sergeant at-arms and his posse lower Yankton was intensely excited As the fleet footed legislator fled before his pursuers in his efforts to gain an asylum on the Nebraska side, the rumor rose and spread that the prisoners confined in the county jail had broken loose and were making a bold dash for liberty Dr Flick was recognized by half a dozen old ladies as Carl Johan Hanson, the murderer, and double that number of reliable spectators were equally sure that Jane Dix was a notorious horse thief. These people were not slow in communicating the intelligence of the escape to the authorities up town and when Sheriff Baker heard of it he was so overcome that he could scarcely reach the jail He says he would not have another scare like that for a years pay

PERSONAL

Thursday's Daily

H J Austin, of Vermillion, is on a visit to the capital

J L Turner and wife came down from Springfield yesterday

Sheriff Moulton, at Rapid City, has returned to Yankton again and will probably remain several days

C C Effelt, of the St Paul paper house of Averill, Russell & Carpenter, is making Yankton his periodical business visit

Alfred F Erickson, a young lad of 15 years, has charge of the Jamestown Alert during the absence of its editor, Mr. Foster, who is at present in Yankton as assistant clerk in the council Young Erickson performs all of the editorial as well as manual labor of getting out the paper, and is doing it with great credit

Saturday's Daily

Governor Bulis started this morning for Rosebud agency

John Cunningham came down from Fort Randall this afternoon

John T Athey, of Sioux City, was in town last night and left this morning for Fort Sully an intermediate points

Major Kennard, one of the proprietors of the up river stage line, was in town last night and returned to Omaha this morning

ANALYSIS OF MINERAL SPRINGS

Dr Buchanan has procured an analysis of his mineral springs west of town, by a competent eastern chemist, and his examination gives the following result

	GRAINS
Chloride of sodium	1 3462
" " potassium	trace
" " lithium	0 1002
" " magnesium	9 9139
" " calcime	5 3142
Bromide " sodium	0 1215
Iodide " sodium	trace
Sulphate " lime	92 3456
Sulphate " baryta.	0 0249
Bi carbonate of lime.	4 8162
Carbonate of iron	196 3678
Alumina	1 2467
Organic matter	trace

EXEMPTION FROM DEBT

Yankton, Feb 5th, 1879 —*Editors Press & Dakotaian* —I saw by your paper recently that a certain eastern company who had outstanding collections to the amount of $100,000, offered to balance accounts and start afresh with our citizens, provided our legislature would enact laws that would enable creditors to collect bills or notes as in most of the states of the union One would suppose that this firm had had hard luck in collecting, and such statements must have a detrimental effect against the interests of the territory Our laws as they stand today provide for an almost absolute exemption The average wealth of each citizen is computed to be nearly one hundred dollars, and we are aware that in this the oldest part of the territory, very few of our farmers possess $1,500 worth of personal property This being the case, how can we invite capital to come here and invest, or how can we ask credit east, they knowing we have it in our own hands to pay or not. A merchant on Third street stated a few days ago that he had seen letters of instruction to traveling men, ordering them to put 10 per cent on their price list while selling in Dakota. By this it will be seen that consumers have to pay their extra per cent and the very men whom this law is designed to protect suffer in consequence, and this must be the consequence, in the case of every man who pays his debts but those who do not pay derive the benefit of exemption In this new country where we are living largely on credit and where difficulties are encountered, like the grasshopper plague and drouth it would not be right to abolish the law, for it would work a hardship to many deserving poor, but such excessive exemptions are unjus to all, and it is the hope of a large number of our best and honest citizens that the lawmay be amended somewhat, $300 personal with the other exemptions named is certainly sufficient Such an amendment is before the legislature and justice demands that that or a similar bill be passed this session Yours Truly,

CITIZEN

LIST OF LETTERS

Remaining in the postoffice of Yankton Yankton county, D. T Feb 5, 1879 If not called for in 30 days, will be sent to the Dead Letter office

Aaseth, Lars Olsen
Anderson, Miss Nellie
Case, Irven
Davis, Dan
Edwards, C B
Fowler, Mrs
Gemar, Peter
Heller, Walter B
Jasman, George
Leclare, Mrs E C
Lee, M V (2)
Morris, J W
Moore, Mrs Agnes E
Nielsen, Neils
Olsen, Miss Emily
Peterson, Bjerk
Rakosky, W
Reigert, Jacob
Roman, Thomas
Roberts, Phil
Serr, Yakob
Scott, Jane
Southerland, D C
Sullivan, Florence
Wagner, Frank
West, J H
Warren, G F
Wanemaker, J M

HELD FOR POSTAGE

John Oliver, Fond du Lac, Wis —3c
Joe Butters, Yankton—1c.
Juha Williams, Gayville—3c.
L M Spencer, Malone, N Y —3c

Persons calling for advertised letters will please say advertised

A. W HOWARD, P M

The Centaur Liniments are of two kinds The **White** is for the human family; the **Yellow** is for horses, sheep and other animals Testimonials of the effects produced by these remarkable Preparations are wrapped around every bottle, and may be procured of any druggist, or by mail from the Office of THE CENTAUR COMPANY, 46 Dey Street, New York City

Friday's Daily

DAKOTA LEGISLATURE.

Proceedings of the Thirteenth Session

COUNCIL—23D DAY

GENERAL COMMENTS.

Council bill No 19, which was vetoed by Gov Howard, changed the justice code so as to give an accused person the right to a change of venue in a preliminary examination The governor did not object to a provision of that kind, but based his opposition to the bill upon the ground that in his opinion the legislature had amended the wrong law to effect its purpose In this opinion, the council, in which body the bill originated, disagreed with the governor When the veto message came up for consideration and the question being "shall the bill pass, the objections of the governor to the contrary," the vote stood Ayes—Messrs Cuppett, Day, Kuykendall, Miner, MacNider, Pettigrew, Roberts, Rohr, Valentine and Mr President—10 Noes—Messrs Edmunds, Ellis and Wynn—3 The necessary two-thirds voting in the affirmative, the bill was declared passed, notwithstanding the veto The message has yet to be acted on in the house

Mr Walton has introduced a substitute for his ten per cent interest bill which remedies a defect in the original without affecting the main point within the bill This measure will pass the house by a good majority, unless indications are all misconstrued

Telegrams were received by various members last night from the managers of the Chicago Milwaukee & Northwestern railroad companies saying, that their companies cannot build a mile of road in Dakota under the existing laws As the building of railroads is a matter in which all of Dakota is interested, this announcement should induce our legislators to do all in their power towards giving for the benefit of companies a law which will encourage them to push forward contemplated extensions

The house to-day lost much valuable time under call, because of the absence of Mr. Flick, of Pennington county It was the intention to bring up the railroad bill in committee of the whole at an early hour this morning, but Mr Flick's absense prevented any such action and nothing was done

The "local option" bill met a quiet death in the council this morning A motion to postpone action on it until the day before the probable final adjournment, when it might die of old age, met with no favor, and it met its fate without eliciting a groan or a shout Capt Miner was the only member who evinced any sorrow When the motion to reconsider the vote and lay the motion on the table was before the council, he said, with a small tear in his voice, that he didn't want to see the motion prevail, as he thought the majority might yet see the error of their ways, and pass the bill But his appeal was in vain, the obsequies were completed, and now "local option" peacefully sleeps with the valiant captain's woman's suffrage bill

Wednesday, Feb 5—The council met at 10 o'clock a m and was called to order by the president

Prayer by the chaplain

Roll call showed all members present

The minutes of yesterday's proceedings were read and approved

MESSAGE FROM THE HOUSE

A message from the house announced the passage of council bill 25, amending the act creating a board of education for the city of Vermillion, also, council bill No 32, locating the county seat of Grand Forks county

REPORTS OF COMMITTEES

Mr Wynn, from a special committee, reported council bill No 36, providing for the repeal of section 665 of the code of criminal procedure, and recommended its passage.

The same gentleman reported from the committee on education H F No 9, to amend sections 8, 92 and 101 of the justice code, recommending its indefinite postponement, also house file No 13 and recommended its passage

Mr Cuppett, from the committee on immigration reported back house file No 4, the local option law, without recommendation

Mr Miner, from the committee on agriculture, reported house file No 37, a memorial for an increase of mail service between Canton and Milltown, and recommended its passage

Mr Ellis, from the committee on counties, reported house file No 27, authorizing school district No 1, in Richland county to issue bonds, with a recommendation that it do pass

Mr Edmunds, from the special committee composed of the Yankton county members, reported back council bill No 28, to amend the charter of the city of Yankton, with amendments, and recommended its passage

Mr Miner, from the select committee to which had been referred the invitation of President Wicker for an excursion over the Dakota Southern railroad, reported that arrangements had been made for the excursion on Friday, Feb 14th

NOTICE OF BILLS

By Mr Roberts—To provide a board of education for the city of Fargo, and to regulate the management of public schools therein

INTRODUCTION OF BILLS

By Mr Roberts—A bill for an act to amend the act to incorporate the city of Fargo

By Mr Kuykendall—A bill for an act relating to settlers upon the public lands

Which bills were read a first time

SECOND READING OF BILLS

Council bill No 57—A bill for an act relating to to the terms of court in Union county, was read a second time and referred to to the committee on judiciary

THIRD READING AND PASSAGE OF BILLS

Council bill No 28, amending the charter of the city of Yankton, was passed

Council bill No 36, to amend section 665 of the code of criminal procedure, relating to the fess of officers in conveying convicts to the penitentiary The bill was lost

Mr Rohr moved that the vote by which the bill was lost be reconsidered and that the motion to reconsider lie on the table, which motion did not prevail

The motion to reconsider was then adopted, and on motion of Mr Kuykendall the bill was referred to the committee on judiciary

GOVERNOR BULIS

Ex Governor Bulis, of Iowa, being in the hall, on motion of Governor Edmunde, he was invited to a seat within the bar of the council

COMMITTEE OF THE WHOLE

At eleven o'clock the council went into committee of the whole, with Judge Kuykendall in the chair, and resumed consideration of council bill No 34, to provide for the building and government of a territorial penitentiary

After completing the consideration of the bill, on motion of Mr Pettigrew the committee rose, reported the bill back and recommended its passage as amended by the committee

On motion of Mr Edmunds the bill was ordered engrossed for its third reading

On motion of Mr Valentine house file No 41, a memorial in regard to the system of United States land surveys and the appropriations for the same, was taken up, the rules suspended and placed upon its final passage

Mr Pettigrew stated that he was not sufficiently familiar with the objects and statements of the memorial to vote for its passage. The statement of the memorial that the surveys of public lands in Dakota have been correctly and accurately made is not true It is a fact that the government surveys in some portions of the territory are notoriously incorrect and unreliable, and he would not place himself on record as favoring a memorial which asserted to the contrary

Mr Valentine said he called up the memorial at the request of a citizen of Yankton, whose name it was unnecessary to mention, as the phraseology and length of the memorial would probably indicate the person He said he had no interest whatever in the memorial, and merely called it up as requested

Mr Edmunds favored the memorial It asked that the present system of land surveys be continued, instead of having that work done by the engineers of the army, as is proposed by the government

The memorial passed by a vote of yeas, 8, noes, 5

Council bill No 40—A bill for an act to define the boundaries of certain counties of this territory, came up for its third reading

Mr Edmunds presented a protest from citizens of Hanson county, protesting against the passage of any bill changing the boundaries of that county

After some discussion, in which Messrs Edmunds, Pettigrew and Miner took part, the bill passed by a vote of ayes 8, noes 5

Council bill No 44, to amend sections 308 and 535 of the penal code Passed

REPORT OF A COMMITTEE

Mr Pettigrew, from the committee on railroads, reported back house file No 5, in regard to the employment of short hand reporters, with an amendment excepting the counties of Bon Homme, Union, Clay and Lincoln from its provisions

On motion the amendment proposed by the committee was adopted and the bill passed by a unanimous vote

HOUSE BILLS

House file No 4, being Langness' local option law, coming up on its final reading and passage,

Mr Wynn moved that it be made the special order at 11 o'clock on Wednesday, February 12th

On motion of Mr Kuykendall, Mr Wynn's motion was laid on the table

The ayes and noes were then called, and the bill was defeated by the following vote

Ayes—Messrs Ellis, Miner, Pettigrew, Roberts and Valentine—5 Noes—Messrs Cuppett, Day, Edmunds, Kuykendall, MacNider Rohr, Wynn and Mr President—8

Mr Kuykendall moved that the vote by which the bill was lost be reconsidered and the motion to reconsider lie on the table which motion prevailed

House file No 8, to amend section 336 of the civil procedure, was read a third time, and pending its consideration,

On motion of Mr Wynn the council adjourned

HOUSE—22D DAY

The house convened pursuant to adjournment, at ten o'clock a m

Mr. Speaker in the chair

Prayer by the chaplain, Rev J P Coffman

Roll call showed all members in their seats

The journal of yesterday's session was read and approved

COUNCIL MESSAGE

A message was received from the council announcing the passage by that body of council bills number 38 41, 42, 51 and 52

A REMONSTRANCE

Mr Cross presented a remonstrance against the passage of the bill for the relief of ex Treasurer Simonson and his bondsmen, which was signed by four hundred residents of Clay county

On motion of Mr Gray, the remonstrance was referred to a special committee to consist of the Clay county members

REPORTS OF COMMITTEES

Mr Stewart, from the committee on territorial affairs, reported back house file 21 with sundry amendments and recommended its passage

Mr. Gamble, from the judiciary committee reported back house file 40 with sundry amendments and recommended its passage, also council bill two with like recommendation

Mr. Langness from the committee on agriculture, reported back house file 36 with a recommendation that it be indefinitely postponed A substitute for this bill has been introduced

Mr Flick, from the special committee to whom was referred the invitation from the Dakota Southern railroad tendering an excursion to the members from Yankton to Beloit and reported that his committee had conferred with the company and had decided to report an acceptance of the invitation for Friday the 14th inst between the hours of eight a m and half past eight p m The report was adopted

CLAY COUNTY PUBLIC BUILDING

Mr Simonson moved a reconsideration of the vote by which house file 32, a bill authorizing Clay county to erect a jail, etc was indefinitely postponed The motion, prevailed

Mr Burbank moved that the bill be referred to the committee of the whole

Mr Cross raised a point of order that a reconsideration placed the bill before the house for action on indefinite postponement

Mr Burbank held to his right to move a reference

The speaker sustained both gentlemen

Mr Cross spoke in opposition to the bill He said a majority of his constituents did not want the legislature to interfere with the local affairs of Clay county There was a general law under which they could operate and that was sufficient The bill provided for taxation of about $8,000 and as the people were poor this levy would be a great hardship The county was now using at a fair rental, a good building for court purposes and their prisoners were cheaply and satisfactorily cared for at the Yankton county jail which was near at hand He thought it unjust at this time to force this expense upon the people

Mr Gamble moved that the whole subject be laid upon the table until to morrow So ordered

NOTICE OF BILLS

By Mr Gamble—For an act to amend an act authorizing the commissioners of Yankton county to fund its outstanding indebtedness and for other purposes

INTRODUCTION OF BILLS

By Mr Gray—H F No 50—To authorize Burleigh county to issue bonds to build a court house

By Mr Whitfield—H F, No 49—For an act to amend chapter 39 of the political code

By Mr Langness—H F No 51—For an act to regulate the sale of intoxicating liquors

By Mr Simonson—H F No 52—For an act to amend section 52 of chapter 38 of the political code

COUNCIL BILLS

Council bills number 38, 31, 42, 51 and 52 had their first reading

Mr Stephens moved a suspension of the rules and that council bill No 51, relating to female suffrage, be indefinitely postponed

Mr Gamble moved as an amendment that the bill be made the special order for April 1st, 1879

Mr Gray moved as an amendment that the bill be referred to the committee of the whole and made the special order for to morrow at eleven a m.

Mr Burbank moved to lay the motion on the table So ordered.

Mr Gamble's amendment making the bill a special order for April 1st was adopted and the amended motion was adopted

Mr Stephens moved to reconsider the vote by which the motion was adopted, and to lay the motion on the table Adopted.

The following council bills had their second reading and were disposed of as indicated

C B No 37—referred to committee on mines and mining, on motion of Mr Flick.

C B No 54—referred to a special committee, with instructions to examine the papers and vouchers in the hands of the governor relating to expenditures for the insane hospital, and to report to morrow Messr Burbank, Gamble and Whitfield were appointed as such committee

C B No 29—referred to committee on education, on motion of Mr Peterson

C B No 16—referred to a special committee consisting of Black Hills members, on motion of Mr, Burbank

C B No 55—Under suspension of the rules, on motion of Mr Flick, the bill had its third reading, and the question being upon its passage, it was passed by unanimous vote The act defines the boundaries of Burleigh county, and creates the counties of Emmons, Stark and Billings, lying in and near the northwestern corner of the Sioux reservation

C B No 3—Referred to the committee on charitable and penal institutions

The report of the committee on council bill two was adopted, the bill read a third time, and the question being upon its final passage, it was passed by unanimous vote It increases justices of the peace in Custer Lawrence, Pennington, Burleigh and Grand Forks counties

HOUSE BILLS

House file 42 came up for second reading, and, on motion of Mr. Burbank, further consideration was indefinitely postponed, and the vote by which the motion was adopted was reconsidered, and the reconsideration laid upon the table The bill proposed to attach the counties of Lincoln, Clark, Minnehaha, McCook, Lake, Moody, Wood, Brookings, Hamlin, Deuel, Codington, Grant, Greeley and Stone to the third judicial district

MESSAAE FROM THE GOVERNOR

A message was received from the governor embodying a petition from the commissioners of Grand Forks county asking public aid in the emergency forced upon the people of that region by the prevalence of small pox

HOUSE BILLS

The following house bills had their second reading and referred as indicated

H F 44—committee on territorial affairs, on motion of Mr Flick

H F. No 45—committee on ways and means, on motion of Mr Stephens

H F No 45—committee on ways and means, on motion of Mr Gunderson

House file No 21, reported back from committee was recommitted for correction

House file 34 had its third reading and was passed, by unanimous vote, excepting that Mr Helvig was excused from voting

House file 36 was laid on the table, on motion of Mr Gamble

RECESS

Mr Gamble moved that the house take a recess until 2 30 o'clock p m

Mr Flick moved as an amendment that the house adjourn

The amendment was lost and the original motion adopted and the house at 12 20 p m took a recess till 2 30 p m,

AFTER RECESS

House file No 40, a bill protecting licenced ferry boat owners, came up for third reading and passed by a vote of 22 to 1, Mr Weeks voting in the negative Messrs Flick, Gray and Johnson absent and not voting

CALL OF THE HOUSE

Mr Burbank, at 2 40 p m moved a call of the house, which being ordered it was found that Messrs Flick, Gray and Johnson were absent The Sergeant at-arms, the recording clerk, the assistant clerk and the messenger were deputized to hunt up the missing members and bring them before the bar of the house

Mr Gray appeared at this juncture and was arraigned for an explanation He was somewhat embarassed under the trying ordeal, but the substance of his explanation as understood by the reporter, was that Governor Pennington had undertaken to bring him to the legislative building with his horse and buggy, and he thereby became late without any intention on his part Mr Gray was excused

At three o'clock the sergeant-at arms returned and announced that Mr Johnson was present Mr Johnson being arraigned, admitted that he had no excuse for his absence, and he was excused

Mr Gray moved that further call of the house be dispensed with

While this motion was being discussed, the sergeant at arms returned and reported that he had found Mr Flick, and that Mr. Flick refused to return

Mr Gray withdrew his motion

The sergeant-at-arms stated that Mr Flick was in the basement under the Merchants hotel and that his assistants were watching him The sergeant at-arms stated that he would bring him to the house if he were given time

The sergeant at-arms was instructed to reduce his report to writing, which was done

Mr Gray moved that the report of the sergeant at arms be adopted and that he be instructed to bring Mr Flick before the bar of the house

The sergeant at arms departed with his posse to carry out the orders of the house

At 4 40 p m Mr Burbank moved that further call of the house be dispensed with

Mr Gray asked if the house now dispense with the call can it consider the missing member under contempt when the house again assembles He asked this for information

The opinion of the speaker was, that if the house dispensed with the call it lost jurisdiction of the case

Mr Gray was in favor then of suspending proceedings, but thought it best to first get the council in session and pass a joint resolution to adjourn *sine die* to night If the position was that one member could control this entire house, it was time to quit Whenever an important measure came up a member by absenting himself could stop proceedings.

Mr Gamble directed the attention of the house to the law governing cases like this and held that the house could in future emergencies adjourn without suspending a call of the house, provided it made a rule that such adjournment should not dismiss a call He held that by adjourning, the house lost jurisdiction of the present case, but that it could again assume jurisdiction by amending its rules

In response to a question by Mr Gray the speaker ruled that by suspending a call the house lost jurisdiction over the person of the absent member

The ayes and noes were called on Mr. Burbank's motion to suspend the call of the house, and it was lost by a vote of 15 to 10, and at 4.55 p. m the house was again in a state of semi-disorganization, under a full resumption of the call, awaiting the arrival of Mr. Flick Legislation once more halted in obedience to the movements of the gentleman from Pennington county By this time the indignation of the members locked within the room began to find vent in no measured terms The situation was becoming intensely aggravating Heavy fines were suggested and it was even intimated that peremptory expulsion might not be out of order.

At 5.20 p m Mr Gamble moved that the fireman be delegated a special messenger to hunt up the sergeant at arms and instruct him to come in immediately and make his report The motion was adopted and the fireman started on his errand

At 5 45 o'clock the sergeant-at-arms returned and reported that he had run Mr Flick over into Nebraska, had run him back again to Dakota, had been close upon him, had run him into his room, could break in the door, but hadn't strength left just now to take Mr Flick

The report was adopted

ADJOURNMENT

The house, at 5 50 o'clock p m, adjourned to ten o'clock a m, February 6th

COUNCIL—24TH DAY

GENERAL COMMENTS

The reprimand given to Mr Flick in the house this morning, by the speaker, was a surprise to that gentleman He says he had all along treated the matter as a part of the fun which legislative bodies at times indulge in and his first intimation that such was not the case was his arraignment before the bar of the house His explanation of yesterday's absence is that he had business to transact, and stayed away to attend to it, without thinking that he was committing a breach of legislative etiquette This is the substance of Mr Flick's explanation in reply to the reporter's enquiries

Mr Brown's long looked for bill for the consolidation of Jim river counties was introduced this morning It made a big bundle, and we have not gone through its various sections in detail The bill provides for the consolidation of Hutchinson, and Armstrong counties, Hanson and Davison counties and Bramble and Miner counties, the names of Armstrong, Davidson and Bramble to be dropped But the measure does not stops here Having provided for making three large counties of six small ones, it wanders off into the adjoining country on all sides and completely transforms the appearance of the map from Bon Homme county on the south to Mills county on the north and from Hyde and Buffalo counties on the west to Brookings, Moody and Minnehaha counties on the east Names are abolished and changed and boundary lines are obliterated and laid down in new places Altogether it is a wonderful measure and though it may contain inscrutable beauties, none are apparent on its face The thing which the greader is first induced to enquire is "what is all this for?" And no man has yet been able to answer

Mr Gray's railroad bill was finished up in committee of the whole this forenoon, and this afternoon came to a vote and a triumphant passage, going through by a larger majority than was expected yesterday With the amendments attached the bill will make a good railroad law It will encourage the building of roads into the territory and will protect the people as carefully as any law yet framed, Mr Gray has labored hard to secure its passage and his efforts have been ably seconded by Gamble, Burbank, Jackson and others

The house to day passed the council bill appropriating $2 386 30 to reimburse Governor Howard for money expended by him in the construction of an insane asylum The bill now goes to the governor for his signature and it is not expected he will veto it

The action of the council this morning in postponing until next Wednesday the bill creating a new school law for the territory, may be construed as an indication that the council is opposed to any further legislation upon that subject

A petition forwarded to the legislature today, through the governor, from the people of Grand Forks county, represents a deplorable condition of affairs in that county, arising from the prevalence of small pox The petition represents that the county has spent all its public funds, and some $2,000 in private funds, and asks for an appropriation of $1,000 from the territorial treasury It should be granted, and without any delay

Thursday, Feb 6 —The council met pursuant to adjournment, and was called to order by the president

Prayer by Chaplain Potter

Roll called, members all present

Minutes of yesterday's meeting read and approved

REPORTS OF COMMITTEES

Mr MacNider reported council bills 22, 29 30, 32, 34 and 35 properly enrolled and engrossed

Mr Cuppet, from the committee on immigration, to which was referred that part of the governor's message relating to immigration, reported that the committee had given the subject due consideration and reported the same back to the council without recommendation

INTRODUCTION OF BILLS

By Mr Miner—A bill for an act to provide for the instruction and education of the deaf and dumb

By Mr Valentine—A bill for an act to repeal section 39 of the code of civil procedure relating to mill dams and mills

SECOND READING OF BILLS

Council bill No 56—A bill for an act creating a school law for the territory of Dakota, was read a second time, and on motion of Mr Pettigrew was made a special order in committee of the whole on Wednesday, Feb 12, at 11 a m

Council bill No 59—A bill for an act to amend the act incorporating the city of Fargo, was read a second time and referred to the judiciary committee

Council bill No 34—A bill for an act to provide for the building and government of a territorial penitentiary, was read a third time and passed, ayes 10, noes 3

House file No 8, to amend section 336 of the code of civil procedure Passed

House file No 9, to amend sections 8, and 92 of the justice code came up for its final passage

Mr Cuppett moved that it be indefinitely postponed, which motion was lost, and the bill then passed

House file No 13, of the political code, fixing the fees of county treasurers, was read a third time, and on a motion of Mr Roberts was made a special order in committee of the whole at 11 o'clock a m Feb ruary 7

House file No 27, authorizing school district No 1 in Richland county to issue bonds, was recommitted to the committee on education

House file No 37, a memorial for an increase of mail service between Canton and Milltown Passed

On motion of Mr Roberts the vote by which house file No 13 was made a special order at 11 o'clock to morrow was reconsidered, and on motion of the same gentleman the council went into

COMMITTEE OF THE WHOLE

on house file 13, Mr Rohr in the chair

After considering the bill the committee rose, recommending its passage as amended by the committee The report was adopted and the bill referred to the committee on enrollment

MESSAGE FROM THE HOUSE

A message from the house announced the passage by that body of council bill No 2, increasing the number of justices of the peace and constables in the counties west of the Missouri river, with amendments, also, the passage of house files Nos 34 and 40

On motion of Mr Miner the council adjourned

HOUSE—24TH DAY,

The house convened, pursuant to adjournment, at ten o'clock a m

Mr Speaker in the chair

Prayer by the chaplain, Rev J P Coffman

Roll call showed all members in their seats

The journal of yesterday's session was read and approved

COUNCIL MESSAGE

A message was received from the council announcing the passage of council bills No 28, 46 and 44.

Also the passage by the council of house files number 41 and 5 and the refusal of the the council to pass house file No 4

MR FLICK'S CASE

Mr Flick rose to a question of privilege He had understood that on yesterday he was considered in contempt of the house and asked that the matter be disposed of

Mr Stephens moved that Mr Flick be brought before the bar of the house and there reprimanded So ordered

Mr Flick was conducted before the speaker's desk by the sergeant at arms and Speaker Jackson gave him a five minutes lecture full of regret over the necessity for its delivery and of good advice to the member from Pennington county Mr Flick took the lesson with folded arms and bowed head and seemed to think that perhaps he had earned it The reprimand relieved the indignation which was yesterday so rampant and Mr Flick was once more restored to the confidence and affections of his fellow members

SEVERAL PETITIONS

The speaker presented a petition from the people of Davison county protesting against the proposed consolidation of Davison and Hanson counties and praying that no such legislation take place

Mr Langness presented a petition praying that the contemplated consolidation of school districts number 25 and 1 of Minnehaha county may not take place

Mr Langness presented a petition from 125 residents of Minnehaha county asking for the passage of a law compelling wheat buyers to use the standard half bushel, instead of the brass measure, and to authorize counties to appoint inspectors of wheat

On motion of Mr Langness, the last petition was referred to the committee on territorial affairs

COMMITTEE REPORTS

Mr Weeks moved that house file 32 be referred to a special committee consisting of the Clay county delegation So ordered

Mr Whitfield, from the special committee to whom was referred council bill 37, reported the same back, without amendment, and recommended its passage

Mr Gray, from the special committee to whom was referred council bill 43 reported the same back, without amendment, and recommended its passage

Mr Fockler, from the committee to to whom was referred house file 30, reported the same back and recommended its passage

Mr Burbank, from the committee to whom was referred council bill 54, reported the same back with a recommendation that it pass

NOTICE OF BILLS

By Mr Gamble—For an act to attach certain lands to the school district comprised within the city of Yankton

INTRODUCTION OF BILLS

H F No 53—By Mr Brown—For an act to define the boundaries of certain counties and consolidate others, and for other purposes

COUNCIL MESSAGE

A message from the house was received from the council announcing the passage of council bill 34, the Sioux Falls penitentiary bill, and asking the concurrence of the house therein

BILLS SIGNED

The speaker announced that he had in open session signed council bills number 31, 25, 5, 1, 17, 32, 29 35, 30 and 20

COUNCIL AMENDMENT

The message from the council announcing the passage of house file five with an amendment excepting certain counties from its provisions was taken up The bill authorizes the employment of short hand reporters in the courts of Dakota

On motion of Mr Gamble the bill and amendment were laid upon the table until to morrow

COUNCIL BILLS

Council bill 28, under a suspension of the rules, passed to its second reading and was referred to a special committee consisting of the Yankton county delegation, on motion of Mr Gamble

Council bills 34, 40 and 44 had their first reading

The following council bills had their second reading and were referred as indicated

Council bill 41—Committee on highways, roads and bridges, on motion of Mr Stephens

C B 42—special committee of Minnehaha county delegation, on motion of Mr Burbank

C B 33—special committee consisting of Messrs Burbank, Whitfield, Trygstad, Gunderson and Stewart

The following council bills, reported back from their committee, had their reading and were passed by a unanimous vote of the house

Council bills number 48, 43 and 54,

HOUSE BILLS

House file No, 27, permitting Richland county to fund its outstanding indebtedness, had its several readings, under suspension of rules, and was passed by unanimous vote

The following house bills had their second reading and were referred as indicated

H F No, 43—judiciary committee, on motion of Mr Gamble

H F No, 48—judiciary committee, on motion of Mr Burbank

H F No 49—judiciary committee, on motion of Mr Gray

H F No 52—territorial affairs, on motion of Mr Peterson

COMMITTEE OF THE WHOLE

at half past eleven o'clock, the house, on motion of Mr Burbank, went into committee of the whole on house file 3—the rail road bill—Mr Fockler in the chair

THE COMMITTEE ROSE

At 12 25 p m and reported the bill back to the house with sundry amendments, and recommended its passage

The report of the committee was adopted

RECESS

On motion of Mr Gray, the house, at 12 30 p m, took a recess till 2 30 p m

AFTER RECESS

Mr Burbank introduced a resolution in regard to council bill 40, which was adopted

Mr Gamble moved that the rules be suspended and house file three, the railroad bill, put upon its third reading and passage So ordered

The ayes and noes being called the bill was passed by a vote of 20 ayes and 6 noes, Messrs Gunderson, Helvig, Hoyt, Peterson, Webber and Weeks voting in the negative and all the other members in the affirmative

Mr Gray moved that the vote by which the bill was passed be reconsidered and the motion to reconsider laid upon the table So ordered

ADJOURNMENT

On motion of Mr Gray, the house, at 2 40 p m, adjourned to ten a m Feb 7th

COUNCIL—25TH DAY

GENERAL COMMENTS

The council bill providing for the establishment of an insane asylum for Dakota went through the house this morning with only six votes against it It was under the management of Mr Gamble, in the house, and being an important measure has been carefully and successfully attended to by him

Mr Brown's geographical bill came along in its regular order in the house this morning and was to have been quietly referred (together with petitions and remonstrances appertaining thereto) to the committee of which Mr Brown is chairman Mr Burbank, however, was forcibly struck with the idea that a measure which proposes so much carving up of the people's domain should be kept before the eyes of the people, instead of being buried in a committee which might take a one sided view of the whole business He therefore put in a motion to have it referred to the committee of the whole, and to give the inhabitants of the Jim river valley an opportunity to explain the measure and its bearings to the committee. The more Mr Brown didn't want this done, the more Mr Burbank became convinced that it was a bad measure which couldn't stand the inspection of a legislative body in the light of the facts as they can be set forth by those who are most familiar with the subject. Mr Burbank usually carries his points, and in this instance his logic did not fail him The bill will be considered in committee of the whole and the house will be given a complete understanding of its features before it is brought to a vote

There was a little skirmish in the house this morning on Mr Langness' high license bill, but its friends reached out their numerous hands and the bill was safely deposited in the committee on agriculture, where the chairman, Mr Langness, will watch and guard it until the time comes to bring it up for final action The bill will pass the house by a good majority

Mr Shely, this morning, introduced a bill in the house providing that the territorial tax due from Grand Forks county for the years 1879 and 1880 be covered back into the county treasury to be used in the payment of small pox expenses The bill is a good one and will probably have no opposition

Mr Stephens has sharpened up all his weapons and girded on his armor and is in the field against the Sioux Falls penitentiary bill Under the present law the penitentiary is located at Bon Homme, and Mr Stephens can see no reason for changing it against the wishes of his constituents Stephens is a host in himself and has a good following in the house on most occasions.

Friday, Feb 7 —Council met at 10 o'clock a m, and was called to order by the president

Prayer by the chaplain

Roll called, members all present except Mr Valentine

Minutes of yesterday's proceedings read and approved

REPORTS OF COMMITTEES

Mr Miner, from the committee on agriculture, made the following report

MR PRESIDENT — Your committee on agriculture to whom was referred that portion of the governor's message termed "conclusion," relative to having purposely avoided any allusion to national affairs, beg leave to report the same back to the council with the recommendation that the suggestions of the governor be carried out, and that no action be taken on the same until the next delegate election, when all restraint may be thrown off

A MINER, Ch'n

Mr Roberts moved that the report be unanimously adopted, which action was had

Mr Roberts, from the judiciary committee, reported back council bill 57, relative to the terms of court in Union county, with amendments, and recommended its passage

Mr MacNider, from the committee on engrossment, reported house file 13 correctly engrossed

NOTICE OF BILLS

By Mr Wynn—To provide for the election by the people of the members of the board of education of the city of Yankton

By Mr Roberts—To define the boundaries of the third judicial district, and fixing the terms of court therein, also, a bill to amend certain sections of the revised codes

MESSAGE FROM THE HOUSE

A message from the house announced the passage of council bills 54, 43, 37, 55 and house files 3 and 47

On motion of Mr Kuykendall the house amendments to council bill No 2 were concurred in

READING OF BILLS

Council bill No 57 relating to terms of court in Union county had its third reading, and on motion of Mr Rohr further action thereon was postponed for the present

House files 3, 34, 40 and 47 had their first reading

House file 13 relating to compensation of county treasurers was read a third time and passed

RECONSIDERED

On motion of Mr Roberts the vote making council bill No 56, providing a school law for the territory, the special order for the 12th inst was reconsidered, and on motion of Mr Pettigrew, the council went into

COMMITTEE OF THE WHOLE,

with Mr Miner in the chair, and proceeded to the consideration of the bill

Mr Wynn moved that section six of the bill be amended so as to make the salary of the superintendent $1,000 a year instead of six hundred as provided in the bill which motion was lost

Mr Pettigrew moved as a substitute for section six a provision that the total salary and allowances of the superintendent shall not exceed the sum of $250 a year, which motion was lost by a tie vote

On motion of Mr Pettigrew the committee then rose, reported progress and asked leave to sit again

MESSAGE FROM THE GOVERNOR

A message was received from the governor announcing his approval of the following council bills

No 1—Amending the charter of the village of Sioux Falls

No 5—Amending an act relating to funding the indebtedness of the counties of Lincoln and Minnehaha

No 21—Amending chapter 40 of the political code relating to public education

No 24—To fund the outstanding indebtedness of Moody, Brookings, Burleigh and Grand Forks counties

No 25—Enlarging the boundaries of the county seat of Clay county.

EXECUTIVE SESSION

On motion of Mr Edmunds the council went into executive session

ADJOURNMENT

At the conclusion of the executive session, the council adjourned until 10 o'clock to morrow

HOUSE—25TH DAY

The house convened pursuant to adjournment, at ten o'clock, a m

The chaplain being sick, the usual invocation was omitted

Roll call showed all members in their seats

The journal of yesterday's sess on was read and approved

Mr Whitefield was excused from roll call, on the suggestion of the speaker

PETITION AND REMONSTRANCE

Mr Brown presented a petition from residents of Armstrong and Hutchinson counties asking for a consolidation of the two counties

Mr Burbank presented a remonstrance from citizens of Armstrong and Hutchinson counties against the consolidation of those two counties

Mr Burbank moved that the petition and remonstrance be referred to the same committee to which house file 53 is referred when it comes up for reference So ordered

COMMITTEE REPORTS

Mr Gamble, from the judiciary committee, reported back council bill seven with a recommendation that it do not pass

Mr Weeks, from the committee on ways and means, reported back house file 45 with a recommendation that it pass

Mr Stewart, from the committee on territorial affairs, reported back house file 44, with a recommendation that it do not pass

Mr Gamble from the committee on charitable and penal institutions, reported back council bill three, with a recommendation that it pass

Mr Gamble from the judiciary committee reported back house file 48, and recommended its passage with amendments, also council bill 15, with amendments and a recommendation that it pass, also council bill 15, with amendments and a recommendation that it pass

Mr Stephens, from the special committee to whom was referred a petition from citizens of Fort Pierre in regard to an appropriation for improving the wagon road to Deadwood, reported the same back without recommendation

Mr Webber, from the committee to whom was referred council bill 42, reported the same back without amendment

Mr Gamble, from the committee to whom was

Press and Dakotaian
—ESTABLISHED 1861—
WEEKLY EDITION
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Attorney---At---Law
REAL ESTATE & INSURANCE AGENT
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Parties desiring property from me may rely upon receiving prompt attention. Have a full abstract of the Territory. Has also a full set of Plats of Yankton County.
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THE YANKTON UNION AND LIBERTY UNION NOW AND FOREVER ONE AND INSEPARABLE
Volume 17. YANKTON, DAKOTA TERRITORY, THURSDAY, FEBRUARY 20, 1879. Number 44.

The decision of the democratic congressional caucus on the 10th inst that an amendment to the law for drawing jurors and a clause repealing the federal election supervisor law are to be attached to an appropriation bill will probably necessitate an extra session of congress

A bill has been introduced into the territorial house of representatives to discourage usury and promote legitimate rates of interest making it unlawful for banks to allow interest upon deposits many enacting further provisions and imposing a tax of 5 per cent upon the gross amount of deposits in each year such tax to be remitted on proper affidavit being made that no interest has been allowed on deposits by the bank.

A Washington telegram states that the house committee on public lands has agreed to report favorably on Straight's homestead bill It proposes that the even sections on railroad land grants shall be open to settlers under homestead laws to the extent of 160 acres to each settler and any person who has undertaken in bona fide to settle upon restricted sections and actually improved and cultivated the land embraced in his original entry, or he may surrender his entry and be entitled to enter lands under the homestead laws the same as if the surrendered entry had not been made, without payment of fees and commissions and residence and cultivation for such portion of land embraced in his original entry shall be considered residence and cultivation for the same length of time of land embraced in his subsequent or new entry and shall be deducted from the five years residence and cultivation required by law *Provided* That in no case shall patent such upon any additional or new entry unless the person has actually resided upon and cultivated the land embraced therein at least one year

LEGISLATIVE APPORTIONMENT

The joint committee of both houses on apportionment of representatives in the legislature had a long session Thursday and finally came to an agreement which is a compromise between the house bill introduced by Mr Gamble and the council bill introduced by Mr Kayk adall The coming together of this committee has been long delayed by the strong disposition to hold off until the detail of the important matter were thoroughly digested The apportionment as finally agreed upon by the joint committee is as to the various counties the following representation

Bon Homme—One county one member of the council and two members of the house

Brule—Former and McCook counties one member of the council and two members of the house

Charles Mix—Yankton county—one member of the council and two members of the house

Clay—Union county—one member of the council and two members of the house

Davison—Lincoln county—one member of the council and two members of the house

Hanson—Aurora county—one member of the council and two members of the house

Hutchinson—Bon Homme, Charles Mix, Brule, Buffalo, Hutchinson, Armstrong, Hanson and Davison counties—one member of the council and two members of the house

Lincoln—Lincoln county—two members of the council and four members of the house

Minnehaha—Minnehaha county—one member of the council and two members of the house,

Moody—Lake, Moody, Brookings Deuel, Hamlin, Codington, Wood and Grant counties—one member of the council and two members of the house

Pembina—Cass Richland, Barnes, Ransom and Foster counties—one member of the council and two members of the house

Pennington—Traill, Grand Forks, Ramsey and Pembina counties—one member of the council and two members of the house

Roberts—Marshall, Day, Clark, Kingsbury, Beadle, Spink, Edmunds, Faulk, Potter, Sully, Hyde, Hand, Hughes, Stanley, Jones, Lyman, Brule, Buffalo, Aurora, Davison, Hanson, Miner, Lake, Moody, Brookings, Deuel, Hamlin, Codington, Wood, Grant, Roberts

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BOWEN & KINGSBURY

YANKTON, - - DAKOTA

Thursday, February 20, 1879.

THE LEGISLATIVE EXCURSION

A Pleasant Ride, a Good Dinner Happy Remarks and a Good Time All Around

The legislative excursion party which yesterday made the trip from Yankton to Canton and return enjoyed as pleasant a day's recreation as often falls to the lot of man or woman The excursion was the free offerings of President Wicker, the proprietor of the Dakota Southern and Sioux City & Pembina R R, who placed at the disposal of the excursionists two passenger coaches, a baggage car and a locomotive, all under the charge of a detail of attentive employes The morning was one of those sunlit beautiful winter productions so fruitful in days of delightful weather, with a cloudless sky and a breeze, bracing atmosphere being its distinguishing characteristics The sun shone brightly and at early hours were at rest

The excursion train left the Yankton depot at twenty minutes before nine in the morning, every car being comfortably filled and every excursionist in a frame of mind to enjoy the day's pleasures Nearly all the members of the legislature availed themselves of the opportunity to visit the valley of Lewis and Clark town to the legislative force Bon Homme Yankton was largely represented There was a goodly sprinkling of ladies in the party The run from Yankton to Bon Homme was made in four hours and on the way there it was picked up a few additional members of the party which finally landed at the destination of the excursionists

At Bon Homme a number of carriages and sleighs were in waiting, which conveyed the party to upper Canton some two hours later, where a generous reception awaited them A programme of exercises had been arranged by J W Taylor, who came down from Bon Homme to accompany the excursionists on their travels A reception committee, skilled in the art of pleasing, took charge of the party and everybody was pleased with the reception accorded them as the procession of the pleasure seekers wended their way to the residence of Canton

At the residence of Mr Canton a sumptuous repast was awaiting the excursionists to which Hon Wm Orton Bennett, responded This was followed by Hon W M Coppock, of Canton

The Legislative Excursion and Its Relations to the Future by Hon W M Coppock, of Canton

The Legislative Excursion by Hon Nelson Miner, of Vermillion

The Future of the Dakotas of the West, by Hon J B Sheldon, of Valley Springs

The Land and the West, by Hon W L Vermillion, Dak

Music by the Band

Music by Mayor Alexander Sharp, of Canton

Music by the Band

Response by Hon P Kelley, of Canton

Music by the Band

Response by Hon H B Wynn, of Yankton

Music by the Band

Response by Hon

Press and Dakotaian

Thursday, February 20, 1879.

CITY AND VICINITY.

Hilaire John-on has purchased one of Mr Buford Farris' short horn heifers Mr F lives near Marindahl.

A military wagon train arrived from Randall yesterday, bringing some supplies belonging to the third cavalry, to be shipped to Sidney barracks

St Louis and Pittsburg steamboatmen are already rendezvousing in Yankton, in anticipation of an early opening of navigation on the Missouri river

The stage fare between Yankton and Sioux Falls, over the Yankton & Sioux Falls stage line, has been reduced to four dollars —round trip, seven dollars

Pure Kentucky bred short hornes of both sexes of most fashionable families for sale at the American house Call and examine stock and their record Property of Buford Farris.

Simon P Gamble, superintendent of the river stage line, is preparing to move his family to Yankton from Fort Dodge He has been backing here for three years, and concludes it is not good for man to be alone

Of the twelve jurymen who tried Peter P Wintermute, on May 1874, for the murder of Gen McCook, but four now reside in Yankton county, to wit James Connell, John H Haas, Iver Bagstadt and Charles Van Epps

Charles Conrad received a telegram yesterday from Casey, Iowa, bringing him the sad information that his youngest child, Maud, a bright little girl of seven years, was dying at the house of her grand parents, at Guthrie Center, Iowa Mr Conrad left on this morning's train in hopes of reaching Guthrie Centre before the little one has passed away

The Brodhead Wisconsin) Independent, says A little son of Ira Barnes, about 8 years old, one of the three children recently brought from Yankton, D T, to the residence of their grandfather, James Barnes, on account of the death of their mother Ed suddenly on Saturday last, of diptheria, was buried Wednesday Mr Barnes started Monday night, in response to a telegram

An observing member of the excursion party registered by assures us that a majority of the liquid refreshments was absorbed by the personal friends of the local option bill, and the anti-council members who opposed Capt Miller's suffrage bill monopolized the attention and good society of the lady members of the party Being a practical man, believing in practice should accord with professions our informant wants to know why he was thus

St Paul Pioneer Press, 12 "Yesterday Gen Tompkins had the various bids that were opened Monday under consideration, and will probably decided who in his judgment, was the lowest bidder This decision or determination will be sent on to Washington, where the award of the contract will be made. The following are the names of the persons who are considered the lowest bidders Capt Russell Blakeley is the lowest for wagon transportation in Minnesota and Dakota I G Baker is the lowest for wagon transportation in Montana W C Snodgrass is the lowest for the Minnesota and Red Dakota transportation The lowest offer for the combined service on the Missouri and Yellowstone was S B Coulson '

A COUPLE OF UP RIVER ITEMS

Correspondence Press & Dakotaian

YANKTON AGENCY, DAK, Feb 14 —Lon Archer's freighter between this place and Yankton while crossing the Choteau creek ice yesterday, had one of his wagons heavily loaded with goods and a team thrown from the bridge, falling a distance of fifteen feet The accident was caused by the team balking and backing off the bridge The team and freight were slightly damaged

R Kilpatrick, telegraph operator and Masters White Swan was married yesterday to Mrs Ida Hambleton, daughter of Geo Chamberlain, hotel keeper at White Swan

SOME RIVER NOTES

Aboard along the river bank yesterday, during a while spent under the leeway of general gossip, furnished some small data for the Press and Dakotaian note book An early breaking up of the river is expected for this spring, owing to the heavy snows of the ce As soon as the river opens the Black Hills and Gen Terry will make ways at Sioux City, five boats being ahead of them It seems as if Yankton is going to have ways to accommodate all the boats that want to get out of the water, every time one is put on the ways, she costs from $700 to $1,5000 among the carpenters, caulkers, blacksmiths, machinists, &c And Yankton want s all such sums as New Sioux City and Bismarck A general statement is that the Coulson line has all government contracts for this year, for the Missouri and Yellowstone rivers In case Burleigh's boats may get a move two lines pulling together and not each taking the upper end of the business

The Big Horn is taking on new stanchions and has received a new boiler from Pittsburg

A ferry boat is being patched over

Custer Terrr is being improved New buildings are going in, and its machinery is being repaired In case this boat takes its proposed big excursion next May, the cabin will be enlarged to the full length of the upper deck.

DAKOTA SOUTHERN FREIGHT

New Table of Tariff Rates Involving Important Reductions

From the 10th of February the Dakota Southern road has been operating under reduced tariff As the reduction is of interest to the people of this section we give the following figures

GENERAL MERCHANDISE IN CAR LOADS.

Class A, rate	$30 00
Class B, rate	28 00
Class C, rate	25 00
Class D, rate	23 00

An average reduction of over 15 per cent on former rates

GENERAL MERCHANDISE PER 100 POUNDS

Class, rate	45cts
Class, rate	40
Class, rate	35
Class, rate	30

An average reduction of over 10 per cent on former rates

REDUCTION IN CAR LOAD LOTS

Grain, per cwt	02
Flour and mill stuffs per cwt	03
Corn meal, 24 barrels and over	10
Cement and plaster, 24 barrels and over	05
Shingles, lath and shingles per cwt	02
Cattle and hogs	200
Horses	300

This statement is of particular interest to the merchants of Yankton and to the merchants and producers in this section of Dakota and tributary points in Nebraska The reduction on wheat, grain and mill stuffs will enable our buyers to pay an advance and the quantity marketed here will be greatly increased

A liberal rate is made on immigrants' effects, cattle and stock, which with the liberal system of advertising pursued by the company will tend to attract those from the east who are looking westward for permanent homes and investments

Taking as a basis the amount of freight brought into Yankton and the amount of merchandise and products sent east during the last year a saving of over $15,000 will be made in freight charges annually This is not an over estimate, as the annual increase in business is noticeable and a reduction has also been made to all local points

DAKOTA LEGISLATURE

Proceedings of the Thirteenth Session

COUNCIL—33D DAY

Saturday, Feb 15—The council met at 10 o'clock a. m, and was called to order by the president

Prayer by Chaplain Potter

Roll called, members all present except Mr Valentine

On motion of Mr. Miner, the reading of yesterday's journal was dispensed with

PRINTING BILLS

The president laid before the council a communication from the secretary of the territory, to the effect that he, the secretary, did not feel justified in incurring any further expense for the printing of bills.

On motion of Mr. Roberts, the communication was referred to the Yankton correspondent of the Sioux City Journal [The vote was taken on the motion as put by the chair, to refer to John L Pennington]

REPORTS OF COMMITTEES

Mr Wynn, from the committee on education, reported council bill No 55, to attach certain territory to the Yankton city school district, and recommended its passage

Mr Roberts, from the committee on judiciary reported house file 54 and council bills Nos 69, 71, 74, 76, 78 79, 78, 79, 80 and 84, and recommended their passage, also council bill No 75 without recommendation, and council bill No 50, with amendments

The same gentlemen from the special committee on apportionment, reported county bill 78, the apportionment bill, with amendments, and recommended its passage as amended

Mr Edmunds from the special committee to which had been referred council bill No 72 referring to the election by the people of members of the board of education of the city of Yankton, made the following report:

MR PRESIDENT—Your special committee to whom was referred council bill No 67, "a bill for an act providing for the election by the people of the members of the board of education for the city of Yankton," and the accompanying petition of citizens which was made the basis of such bill, have had the same under consideration and beg leave to state that it has come to the knowledge of your special committee, as stated by a number of the petitioners whose names appear on the petitions asking for such changes, that they signed said petition under a misapprehension of the facts and reasons for such proposed change in the election of said board, did not desire to see such change effected, and would not have asked such change had they been made fully acquainted with the object sought to be accomplished Your committee beg leave further to state that past experience, so far as this question affects the people of this city has demonstrated the fact that an efficient school government and management cannot be successfully maintained in a community as heterogenious as ours when the school board is elected in the manner proposed in the bill under consideration Your committee beg leave further to state in reference to the petitions accompanying said bill, that quite a large number signing said petitions are non taxpayers in this city and many of the names are non residents For instance the said petitions contain the names, among others that are non-residents, of the opera troupe now performing in this city Your committee are clearly of the opinion that this class of people should not be permitted to regulate and manage our system of education It is the opinion of your special committee that a very large majority of our tax payers and school patrons do not desire the change asked in this bill, and hence you special committee beg leave respectfully to report the bill and accompanying petitions back, with the recommendation that it be indefinitely postponed

All of which is respectfully submitted

NEWTON EDMUNDS,
Ch'n Special Committee

MOTIONS AND RESOLUTIONS

Mr Miner offered the following resolution which was adopted, and received the same reference that was given the secretary's communication

WHEREAS, We understand that the officials of the territory attach blame to your committee for not inviting them on the excursion to Canton Your committee beg leave to explain that they did not consider that they had to consult with the territorial officials, and as the invitation was to the legislature and territorial officers they were unable to get a quorum of the territorial officers together, as a majority of these officers are notaries public living in Deadwood, Bismarck, Fargo, Grand Forks and other places, therefore acted without them, and ask to be excused for that disregard of etiquette that should have been extended to the territorial officers

On motion of Mr Edmunds, Mr Valentine was excused for non attendance at today's session on account of sickness

MESSAGE FROM THE HOUSE

A message announced the passage by the house of house files 7, 25, 30, 66, and 73, and requesting concurrence of the council therein

INTRODUCTION OF BILLS.

By Mr Edmunds—To tax the net proceeds of mines

By Mr Roberts—To authorize the city of Fargo to issue bonds for certain purposes

By Mr Kuykendall—To amend section 565 of the civil code

On motion of Mr Roberts, the rules were suspended, the bill had its several readings and passed

READING OF BILLS

Council bill No 85—For the relief of Fred Wells, late treasurer of Bon Homme county, was read a second time, and referred to the committee on finance and expenditures

Council bill No 86—To amend the charter of the city of Bismarck, was under suspension of the rules, read a second and third times and passed

Council bill No 87—To amend sections 26 of chapter 37 of the political code, relating to elections, was referred to the committee on elections

Council bill No 88—To authorize school district No 49, Lincoln county, to issue bonds to build a school house, was referred to the Lincoln county members

INTRODUCTION OF A BILL

Mr Pettigrew, by consent, introduced a bill appropriating from the territorial treasury the sum of two hundred and fifty dollars or so much as may be necessary to secure the printing of the bills introduced during the remainder of the session The bill provides that the printing shall be under the exclusive control of the committees on printing in the council and house, and that the work shall be let to the lowest bidder

On motion the rules were suspended and the bill passed—Messrs Miner and Wynn voting in the negative

MESSAGE FROM THE HOUSE

A message from the house informed the council that the house had refused to recede from its amendment to council bill No 22, relating to judicial districts, and had appointed as a conference committee on the part of the house Messrs Whitfield, Brown and Flick

On motion, Messrs Kuykendall, Roberts and Pettigrew were appointed a conference committee on the part of the council

MESSAGE FROM THE GOVERNOR

A message from the governor announced his approval of the following council bills

No 33—A bill for an act to amend section 1 of chapter 17 of the political code relating to notaries public

No 42—A bill for an act to fund the indebtedness of Union county

No 59—A bill for an act to amend the charter of the city of Fargo

No 68—A memorial asking for the establishment of a new land district in the valley of the Red River of the North

THIRD READING AND PASSAGE OF BILLS

Council bill No 50—Authorizing certain counties to issue bonds for railroad purposes. Passed

Council bill No 67—Providing for the election by the people of the members of the board of education of the city of Yankton Indefinitely postponed

Council bill No 69—Providing for the issue, sale and redemption of bonds of the territory of Dakota for the purpose of erecting a hospital for the insane and penitentiary and maintaining the same Passed The bill authorizes the issue of bonds to the amount of $45,000

Council bill No 71—Making appropriations for completing, furnishing and maintaining the Dakota hospital for the insane, and to build, furnish and maintain a territorial penitentiary The bill passed, ayes 9, noes 3—Messrs Day, Miner and Wynn voting in the negative, Mr Valentine absent The bill appropriates $43,745

Council bill No 74—A bill for an act in regard to the smoking of opium Passed

Council bill No 75—A bill for an act to amend chapter 10 of the political code The bill was defeated by a vote of ayes 5, noes 7 It provided for the holding of a term of the supreme court at the city of Deadwood

Council bill No 76—A bill for an act to amend section 98 of the justice code, requiring persons taking an appeal from the decision of a justice court to pay the docket fee in the district court The bill was lost by a tie vote

Council bill No 77—A bill for an act to provide extra compensation for the judge of the first judicial district The bill provides for the payment to the judge of that district out of the treasuries of the several counties comprising the district a compensation in addition to that received from the United States Passed—ayes 9, noes 3

Council bill No 78—A bill for an act amending chapter 48 of the political code relating to apportionment of representation in the legislative assembly

On motion of Mr Miner the bill was so amended as to make Clay county the second district with one member of the council and one member of the house, and adding an additional district, the 13th, composed of the counties of Turner and McCook with one member of the house

On motion of Mr Day, the bill was amended, making the counties of Bon Homme, Charles Mix, Brule and Buffalo, the 4th district, with one member of the council and one member of the house, and making the counties of Hutchinson, Armstrong, Hanson and Davison, the 14th district with one member of the house

On motion of Mr MacNider the counties of Stark and Billings were added to the 11th district

On motion of Mr Roberts, the county of La Moure was added to the 9th district

The roll being called the bill passed, Mr President being the only one voting in the negative He stated that his reason for casting his vote in the negative was because certain districts were denied representation in the council which he believed to be unconstitutional

Council bill No 79—A bill for an act for the protection of labor, was read a third time, and on motion of Mr Pettigrew was recommitted to the committee on agriculture

Council bill No 80—A bill for an act to amend sections 322 324 and 425 of the code of civil procedure Lost, ayes 3 noes 9

Council bill No 84—Providing fees for the secretary of the territory in certain cases Passed, ayes, 8 noes 4

HOUSE BILLS

House files Nos 7, 25, 30, 66 and 73 were read a first time

The following house bills were read a second time and disposed of as follows

No 21, referred to the committee on agriculture

No 32, to the committee on agriculture

No 50, to the member from Burleigh county

No 59, passed under a suspention of the rules

No 61, providing for the purchase of a certain number of copies of the supreme court reports, to the committee on judiciary

Nos 61 and 63, to the committee on judiciary

No 69, to the committee on agriculture

No 71, to the committee on education

THIRD READING OF HOUSE BILLS

No 54, to amend section 4 of chapter 3 of the political code, providing for the distribution of the revised codes of the territory to certain territorial and county officers Recommitted to the committee on judiciary

No 55, attaching certain territor to the Yankton city school district Passed

ADJOURNMENT

On motion of Mr Miner, the council adjourned until 10 o clock, Monday, Feb 17, 1879

HOUSE—33D DAY

The house convened, pursuant to adjournment, at ten o'clock a m

Mr Speaker in the chair

Prayer by the chaplain, Rev J P Coffman

Roll call showed all members in their seats

The journal of yesterday's session was read and approved

The chaplain was excused for non attendance yesterday morning

All members absent yesterday morning were excused

GONE TO THE GOVERNOR

The speaker announced that he had transmitted to the governor for his signature house files number 5, 8, 9, 7, 27, 47, 13, 57 and 40 Also that house files 27 and 47 both memorials, had been filed in the office of the secretary

COMMITTEE REPORTS

The special committee to whom was referred council bill 46 made a majority report recommending that it do not pass

Council bill 28, amending the charter of the city of Yankton, was reported back from the committee consisting of the Yankton county delegation with numerous amendments

Council bill No 65 was reported back from the committee on immigration with a recommendation that it pass

COUNCIL MESSAGE.

A message was received from the council announcing the passage by that body of council bills 73, 81 and 83, also that the council had refused to concur in the house amendments to council bill 22, also the passage of house files number 69 and 70 with out amendments, also the passage of house files 43 and 42 with amendments, also the indefinite postponement of house bill 45, also that the council had concurred in the house amendments to council bill 52

VOTE OF THANKS

Mr Flick introduced a resolution thanking the people of Canton and Beloit for good treatment of the legislative excursion ists, which was unanimously adopted

INTRODUCTION OF BILLS

H F No 81—By Mr Whitfield—For an act to regulate the compensation of public officers in the first judicial district

H. F No 82—By Mr Gray—A memorial to congress concerning the coal miners on the Fort Lincoln reservation

COUNCIL ACTION CONSIDERED

The house amendments to council bill 22, which the council refused to accept, were referred to a joint committee of conference, the house members being Messrs Whitfield, Brown and Flick

The council amendments to house file 43 were concurred in

The council amendments to house file 43 were not concurred in by the house

COUNCIL BILLS

Council bills numbers 83, 81, 73 and 82 were read a first time

Council bill 64 had its second reading and was referred to the committee on highways' roads and bridges

Council bill 66 had its second reading and was referred to the judiciary committee

A MESSAGE FROM THE GOVERNOR

announced his approval of house files number 5, 8, 9, 13, 29, 40 and 47

SPECIAL ORDER

The special order being house file 51, to regulate the sale of intoxicating liquors, it was considered in committee of the whole and its passage with certain amendments recommended

On motion of Mr Burbank, council bill 50 was taken up and had its several reading and passed

RECESS

The house then took a recess till 2 30 o'clock p m

AFTER RECESS

The house got under way again at half past two

REPORTS OF COMMITTEES

The committee to which was referred council bill 63, reported the same back with amendments. Report adopted

The select committee to which was referred house file No 53, reported the same back with an amendment, and recommended its passage as amended

The committee to which was referred house file No 49, reported the same back and recommended that it be laid on the table

The committee to which was referred council bill 10 recommended that the same be indefinitely postponed Adopted

The committee to which was referred council bill 19, together with the governor's veto, recommended that the bill do not pass over the governor's veto Adopted unanimously

The committee on council bill 28 reported the same back, and recommended its adoption It was adopted

The committee on council bill 46 recommended that it pass On motion, laid on the table till Monday

Council bill 65, for the relief of Lawrence county Passed

House file 53 was reported back with amendments Also a minority report

SECOND READING OF BILLS

House file 78—Referred to committee on banks and banking

House file 79—Referred to committee on ways and means

House file 80, defining the boundaries of Bruce county Rules suspended, put upon third reading and then passed

House file 77, for an act to incorporate the village of Flandreau Rules suspended and bill put upon its final passage

House file 72, for an act concerning liens Third reading dispensed with, and referred to the committee on judiciary

THIRD READING OF BILLS

House file 49, laid on the table

House file 51, referred to committee on agriculture

House file 53, for an act to consolidate some Jim river counties A majority report was recommended A minority report was also read, the substance of which is that the consolidation of these counties be left to the voters After a fair sized squabble on the reading of a letter and points of order, the ayes and noes on the minority report were called, for and resulted Ayes, 13, noes, 12 Report adopted

A motion was then made to lay the majority report on the table Carried

The question was now on the passage of the bill as amended Carried 15 to 10

Mr Brown then gave notice of a reconsideration of the bill

GENERAL

A motion was made to take up council bill 32, that the rules be suspended, and that the bill pass to its second and third readings Carried

Amendments were offered by the gentleman from Lincoln, which were adopted

The bill was then read the third time, and passed as amended

The rules of the house were then suspended, and council bill 92, appropriating funds to pay for printing of bills, was read the second and third times, and passed, ayes 23, noes 2

ADJOURNMENT

On motion, the house adjourned till ten o'clock Monday next

COUNCIL—35TH DAY

GENERAL COMMENTS

In our Saturday's report of the house proceedings we omitted a portion of the resolution introduced by Mr. Flick returning thanks for the good time had on the railroad excursion The resolution included a recognition of the courtesy of the railroad officials and tendered the thanks of the the house to them for the opportunity afforded the members of the legislature for a day of pleasant recreation

Mr Brown, of the house rallied again to-day from his disastrous defeat of Saturday and regained a portion of the ground lost by him He secured a reconsideration of the vote by which the Jim river county consolidation bill was deprived of its unreasonable and obnoxious features and prevailed upon the house to re attach those features to the bill His amendment, which was adopted, takes from the people of Armstrong and Hutchinson counties the privilege of voting upon the subject of consolidation and makes such consolidation an arbitrary edict from Mr Brown, while it leaves to the people of Hanson and Davison counties the privilege of expressing their desires through the ballot box It also fastens a portion of the debt of Hutchinson county upon the people of Armstrong county, while it provides that Hanson and Davison counties must each pay its own indebtedness A small majority of the house has thus fastened upon the whole house an inconsistency so glaring that the act will meet with just criticism wherever its effect is studied

Monday, Feb 17 —The council met at 10 o'clock, and was called to order by the president

Prayer by Chaplain Potter

Roll call, members all present

The reading of the minutes of Saturday's proceedings was dispensed with

MESSAGE FROM THE GOVERNOR

A message was received from the governor announcing his approval of council bill No 3, providing for the completion and maintenance of an asylum for the insane, and his veto of council bill No 15, amending the law in regard to corporations, and council bill No 44, amending sections 308 and 585 of the penal code so as to give justices of the peace final jurisdiction in cases of assault and battery and petit larceny

The message coming up for consideration, Mr Miner spoke in favor of the provisions and constitutionality of council bill No 44 The jurisdiction which this bill confers upon justices of the peace is exercised by those officers in all the states, and he could see no legal impediments to its exercise by justices of the peace in the territories

Mr Roberts took the same view He said the objections of the governor were not founded upon law or fact, and he believed the influence of outside parties into the commission of a mistake

Mr. Kuykendall also spoke in favor of the bill He said the law which denies justices of the peace final jurisdiction in cases of assault and battery and other petty offences had cost the county of Lawrence $30,000 He believed the bill under consideration was just and right, and would save all the counties of the territory an immense expense

Mr Edmunds thought that before action was taken the council should ascertain whether the supreme court had ruled upon this matter, and therefore moved that further consideration of the messages be deferred until to morrow, which motion prevailed,

COMMITTEE REPORTS

Mr Miner, from the committee on agriculture, reported house file No 60, a memorial for increase of mail service, recommending its passage, and house file 32, relating to the erection of public buildings in Clay county, and council bill 79, for the protection of labor with a recommendation that they do not pass

Mr Day, from the committee on highways, bridges and ferries, reported back council bill 79, with a recommendation that it do not pass

Mr Edmunds, from the committee on finance and expenditures, reported back council bill No 85, for the relief of Frederick Wells, late treasurer of Bon Homme county, without recommendation

Mr MacNider reported council bill 38 correctly enrolled and council bill 61 correctly engrossed

Mr Rohr, from the committee on elections, reported council bill 87 with a recommendation that it do not pass

Mr Roberts, from the committee on judiciary, reported house file 12 and council bills 36 and 54 with amendments, and recommended their passage as amended

Mr Kuykendall, from the conference committee on council bill No 22, relating to judicial districts, reported that the committees had failed to agree, and asked to be discharged and that a new conference committee be appointed

The report of the committee was adopted and Messrs Edmunds, Pettigrew and Cuppett were appointed a new conference committee

Mr Cuppett, from a special committee, reported council bill 88 with amendments and recommended its passage as amended

RESOLUTION

Mr Cuppett introduced a resolution, which was adopted, that no bills be received by the council, except by unanimous consent, after Wednesday, the 19th inst

The house concurrent resolution providing for the giving of copies of the revised codes to the employes of the legislature, was, on motion of Mr Pettigrew, indefinitely postponed

NOTICE OF BILLS

By Mr Valentine—A bill for an act to increase the compensation of county treasurers

INTRODUCTION OF BILLS

By Mr Robr—No 93—A bill for an act to provide for the printing of the general laws of the territory in newspapers

By Mr Pettigrew—No 94—A bill for an act to provide for the care of the territorial library

No 95—A bill for an act to authorize the board of education of the village of Sioux Falls to fund its outstanding indebtedness

No 96—A bill for an act to vacate the site of the town of Valley Springs Under a suspension of the rules, council bills Nos 95 and 96 were passed

By Mr Roberts—No 98—A bill for an act defining the boundaries of the third judicial district, and fixing the terms of court therein

No 98—A bill for an act to authorize the city of Fargo to issue bonds for certain purposes

On motion of Mr Roberts, the rules were suspended and the last named bill passed

By Mr Roberts—No 99—A bill for an act to amend certain sections of the revised codes

By Mr MacNider—No 99—A bill for an act to incorporate the city of Sheridan

No 100—A bill for an act to amend certain sections of the code of civil procedure

HOUSE MESSAGE

A message announced the passage by the house of council bills 50, 65, 92, 28, 63, 82 with amendments, that the house refused to pass council bill No 19 over the governor's veto, the passage of house files 77 and 80, the concurrence in council amendments to house file 43, and indefinitely postponed council bill 10

On motion, the council concurred in the house amendments to council bills 28, 63 and 82

The council refused to recede from its amenements to house file 43, and Messrs Edmunds, Rohr and Miner appointed a conference committee on said bill

SECOND READING OF BILLS

Council bill No 89—A bill for an act to tax the net proceeds of mines, was read a second time and referred to the committee on mines and mining

THIRD READING OF BILLS

Council bill No 90—A bill for an act to authorize the city of Fargo to issue bonds Passed

Council bill No 36—To amend section 665 of the code of criminal procedure Passed

Council bill No 61 providing for the education of the deaf and dumb Lost

Council bill 72—Providing for the changing, continuing and discontinuing highways Indefinitely postponed

Council bill No 79—For the protection of labor Lost

A motion to reconsider the vote by which the bill was lost and that the motion to reconsider lie on the table, was lost

Mr Day gave notice that he would move a reconsideration of the vote

Council bill No 85—For the relief of Frederick Wells, late treasurer of Bon-Homme county Passed

Mr Roberts gave notice that he would move a reconsideration of the vote by which the bill passed

Council bill No 87—Making Grand Forks county the senior county in the 11th council and representative district Passed

Council bill 88—To authorize school districts Nos 49 and 62 in Lincoln county to issue bonds to build school houses Passed

HOUSE BILLS

No 77—To incorporate the village of Flandreau Passed

No 30—Defining the boundaries and organizing the county of Bruce, had its first reading

No 7—Amending the election law, providing for the opening of the polls at 8 o'clock a m, and closing at 5 p m Passed

A QUESTION OF DISORDER

At this point in the proceedings of the council the president vacated the chair and in passing out of the bar of the council requested Mr Day to take the chair The request not being heard by the council, when Mr Day took the chair, a question was raised that the council was not in order, that the chair was not occupied by proper authority, and a lively time ensued After several motions had been made and ruled out of order, a motion that the squatter governor take the chair was declared carried, but just as that functionary was about to take the chair and order the council in executive session for the purpose of declaring the office of governor vacant, the president returned, occupied the chair, and the business of the council was

RESUMED

House files 25, 66 and 73 were referred to the judiciary committee, and house file 30 to the committee on agriculture

House file No 12—Relating to fences and enclosures in the Black Hills counties. Lost

No 32—Relating to the erection of public buildings in Clay county Lost

No 54—Relating to the distribution of the session laws hereafter printed Passed

No 69—A memorial asking for the extension of certain mail rou in Dakota territory Passed

SPECIAL ORDER

Mr Rohr moved that council bill No 56, in relation to school law, be made a special order at 11 o'clock to morrow

Mr Roberts moved to go into committee of the whole immediately on the school bill, which motion was amended to make it the special order at 2½ o'clock this afternoon, and it was so ordered

RECESS

On motion of Mr Miner the council then took a recess until 2½ o'clock p m

AFTER RECESS

The council met at 2½ o'clock, and was called to order by the president

MESSAGE FROM THE HOUSE

A message was received from the house announcing the passage of house file No 89, to change the name of Pennington county, and council bill No 77, dividing the territory into council and representative districts, and apportioning the representation therein, with amendments, and requesting the concurrence of the council therein

The council then went into committee of the whole, Mr Valentine in the chair, on council bill No 56, creating a school law for the territory

The section of the bill providing for the payment by each elector of a school poll tax of one dollar, and a general school tax of three mills, was stricken out

After considering the balance of the bill, the committee rose, reported the bill back and recommended its passage as amended

On motion, the report of the committee was adopted

Mr Day moved as a substitute for section 30, that no one be allowed to vote at school meetings except actual residents and taxpayers

On motion of Mr Roberts, the substitute was laid upon the table

The bill was then passed, ayes 12, noes 1—Mr Day voting in the negative

MESSAGE FROM THE GOVERNOR

A special sealed message was received from the governor, to be opened in executive session

CONSIDRATION OF HOUSE MESSAGE

The message announcing the passage of certain bills was taken up

Council bill No 77, in regard to appointment, which was amended by the house, was postponed until to morrow

House file 89, to change the name of Pennington county to Sumner county was taken up, the rules suspended and the bill passed by the following vote Ayes—Messrs Cuppett, Day, Kuykendall Miner, MacNider, Pettigrew, Roberts, Robr, Wynn and Mr President Noes—Messrs Edmunds, Ellis and Valentine

EXECUTIVE SESSION

On motion of Mr Cuppett, the council then went into executive session

HOUSE—35TH DAY,

The house convened pursuant to adjournment, at ten o'clock a m

Mr. Speaker in the chair

Prayer by the chaplain, Rev J P Coffman

Roll call showed all members in their seats, except Messrs Gamble and Mauksch

The journal of Saturday's session was read and approved

GOVERNOR'S MESSAGE

A message was received from the governor announcing his approval of house file 57, which is for the relief of Grand Forks county Also returning to the house without his approval, and with his objections thereto, house file 2, relating to corporations, banks and banking

Mr Gray moved that the rules be suspended and the message be referred to the committee on banks and banking Carried

COUNCIL BILLS

A message was received from the council announcing council bills 69, 71 (substitute) which regards an appropriation for a hospital for the insane, 74, regarding the smoking of opium, 77, regarding extra compensation for the judge of the first judicial district, 17, to amend chapter 48 of the civil code, 84, 86, 91, to amend section 595 of the civil code, also announcing, without amendment, concurrence in and passage of house file 34 to amend section 32 of the civil code, No 55, and also 59 concerning highways

Mr Brown then moved to reconsider the vote on house file 53, the Jim river counties bill It was seconded

Mr Burbank then moved to lay that motion on the table Ayes and noes being called for resulted in noes 13, ayes 12

The question was now on the reconsideration of the bill Ayes and noes resulted 14 to 12 in favor of reconsideration

Mr Brown then moved that the minority report be amended by striking out Armstrong and Hutchinson counties The motion was then carried, and the bill as amended passed, 17 to 8

REPORTS OF STANDING COMMITTEES

Mr Langness, from the committee to whom was referred house file 51, regulating the sale of liquor, recommended its passage with amendments,

Mr Huseboe from the committee to which was referred house file 68, reported the same back with sundry amendments, and recommended its passage

House file was reported back without amendments, and its passage recommended

Mr Walton reported house files 53, 48 and 76 as correctly enrolled

Mr Flick reported back council bill 60 with amendments, and recommended its passage

Mr Gamble reported house file 35, with amendments, and recommended its passage

REPORTS OF SELECT COMMITTEES

Mr Whitfield, from the select committee on council bill 22 reported that bill back asking that this committee be discharged and another appointed

Gray moved that the report be accepted Mr Brown moved an amendment that the report be rejected, which after some discussions on the rules of order was ruled out by the speaker Brown then moved that the motion of Mr Gray be laid on the table Lost The question was then on the motion of Mr Gray, and it was carried

NOTICE OF BILLS

By Mr Langness—an act to incorporate the village of Dell Rapids

By Mr Brown—An act to fund the indebtedness of Hutchinson county

INTRODUCTION OF BILLS

By Mr Gray—House File 83—concerning the rate of interest, 84, authorizing certain counties to issue bonds in aid of railroads, 85, concerning the registry of electors in incorporated cities etc

By Mr Flick—House File 87, concerning the practice of medicine, surgery, obstetrics, etc

By Mr Gamble—House File 88—authorizing Yankton county to fund its indebtedness

By Mr Flick—House File 89—To change the name of Pennington county to Sumner

A motion was made to suspend the rules and put this bill on its final passage, It was done accordingly, and the bill was then passed, 19 to 7

BILLS REFERRED

House files 55, 59, and 34 were referred to the committee on enrollment.

FIRST READING OF BILLS

Council bills 91, 86, 84, and 78 were then read

Mr Stephens moved that the rules be suspended, and council bill 78 be read a second time It was done Amendments were then offered by Messrs Whitfield and Stephens, which were adopted

Mr Langness moved the bill be then referred to a committee of five to be appointed by the speaker, which was laid on the table

On motion of Mr. Stephens the rules were suspended, and the bill was put upon its third reading and passage, which was done, and the bill passed 21 to 5 This bill refers to the apportionment of the representative districts.

Council bills 77 and 22 were also read The house then went into

COMMITTEE OF THE WHOLE

on consideration of house file 24 giving compensation to C J B Harris for labor performed in a revision of the laws of 1872-3 Testimony was read, and Mr Tripp addressed the committee in Mr Harris' behalf The committee being unable to agree, rose, reported, and asked leave to sit again The report was accepted and the house took a recess until 2 p m

The house met again at 2 p m

Mr Whitfield asked that the report of the special committee on council bill 22 be read by the clerk It was read

Mr Whitfield then moved that Mr Flick be appointed on the special committee to confer with the council committee on that bill Passed

Mr Burbank objected, and demanded a call of the house, which showed five absentees—Fockler, Gamble, Gray, Hoyer and Johnson The sergent at arms soon waltzed the delinquent ones up, and the call of the house was suspended

Mr Whitfield then motioned again Messrs Gray and Burbank then talked rather loudly in opposition to the motion Mr Brown followed suit as to earnestness but on the other side of the question Mr Gray was astounded and astonished again at Messrs Brown and Whitfield for some minutes

The report of the committee was read

The speaker ruled all proceedings on this question out of order until something was heard from the council

The house now went into

COMMITTEE OF THE WHOLE

on consideration of house file 58, relating to the establishment of Howard county Mr J H Hand and others addressed the committee After a short session the committee rose, reported the bill back and recommended its passage The report was adopted, and the bill was passed

PROOFS CALLED FOR

A resolution was adopted that the bill of C J B Harris, for services rendered the territory in revising the codes, be procured of the secretary of the territory, by the chief clerk, which was adopted

FIRST READING OF BILLS

Council bill 71, for an appropropriation for the completion, furnishing, etc, of a hospital for the insane and a penitentiary

Council bill 74—concerning the smoking of opium

Council bill 77—concerning the compensation of the judge of the first judicial district

Council bill 69—concerning the issue bonds for the erection and maintenance of a hospital for the insane

SECOND READING OF COUNCIL BILLS

Council bill 83, authorizing school district No 45, Lincoln county, to issue bonds for the building of school houses, &c Referred to the committee on education

Council bill 81—exempting voluntary firemen from acting as jurors and from paying poll tax Referred to committee on territorial affairs

Council bill 72—providing for and authorizing a board of education for the village of Fargo The rules were suspended, the bill read a third time and passed

THIRD READING OF COUNCIL BILLS

Council bill 16—to amend chapter 28 of the political code, came up with two reports from a special committee, the majority report recommending its passage, and the minority report against it On motion it was laid on the table

Council bill 16, with amendment, for the protection of stock, &c, reported from special committee The report was adopted, and the bill was passed

BILLS SENT TO THE GOVERNOR

House files 3, 48, 56 and 70 have been sent to the governor for his action thereon

COUNCIL BILL THIRTY-EIGHT

was reported correctly enrolled, and was subsequently signed by the speaker

SECOND READING OF HOUSE BILLS

House file 81—regulating the compensation of public officers in the first judicial district The rules were suspended and the bill was passed

House file 82—a memorial to congress concerning coal mines in Morton county The rules were suspended and the bill was passed

THIRD READING OF HOUSE BILLS.

House file 35—to amend section 36 of the code of civil procedure The bill was passed with amendments

House file 68—Authorizing certain school districts to issue bonds Reported from the committee on education, with amendments

House ble 67—In regard to highways Reported without amendment and passage recommended Passed

House file 51—Reported back with sundry amendments The report was adopted, more amendments adopted, and the bill was passed This is the liquor bill

UNFINISHED BUSINESS

Mr Stephens wanted the committee to which was referred council bill 39, to report this afternoon Not being able to do so, the committee was instructed to report at the regular hour to morrow

COMMITTEE OF THE WHOLE

The house then went into committee of the whole on house file 24 After much argument upon the validity of Harris' claim the committee rose, reported progress, and asked leave to sit again The report was adopted, and the house adjourned until ten o'clock to morrow

COUNCIL—36TH DAY

Tuesday, February 18 Council met at 10 o'clock, a m, and was called to order by the president

Prayer by the chaplain

Roll called, members all present

The minutes of yesterday's session were read and approved

REPORTS OF COMMITTEES

Mr Miner, from the committee on agriculture, reported house file No 30, in relation to the county seat of Union county, without recommendation

Also, house file No 21, providing for the appointment of a superintendent of weights and measures, with a recommendation that it do not pass

Mr MacNider reported house file 50, with amendments, and recommended its passage as amended, also that council bills Nos 34 and 60 were correctly enrolled

Mr Day, from the committee on highways, bridges and ferries, reported house file 26 with a recommendation that it pass

Mr Valentine, from the joint committee on enrolled, reported that he had presented to the governor for his action thereon council bill 38, to organize civil townships and provide for the government thereof

NOTICE OF BILLS

By Mr Miner—To regulate time of holding courts in the second judicial district.

By Mr Valentine—To amend the code of criminal procedure in regard to change of place of trial

INTRODUCTION OF BILLS

By Mr Ellis—To amend section 6 of chapter 21 of the political code, relating to the location of county seats

By Mr Cuppett—To provide for a general term of the district court in Lincoln county

By Mr Rohr—In relation to the compensation of county commissioners

By Mr Valentine—To increase the compensation of county treasurers

By Mr Roberts—To provide the time for which the assistant clerks of the legislative assembly shall be paid

By Mr Edmunds—To legalize the act of the territorial treasurer in paying 10 per cent interest

MESSAGE FROM THE HOUSE.

A message informed the council that the house had passed council bills 16 and 73 with amendments and laid 46 on the table, also, house files 25, 51, 53, 58, 67, 68, 81 and 82, and that the house had appointed as a conference committee on council bill 22, Messrs Trygstad, Webber and Crose

On motion council bill 16, to which amendments were made by the house, was referred to the judiciary committee

READING OF BILLS

The following council bills were read a second time and disposed of as indicated

No 93, to authorize the printing of the general laws of the territory in newspapers, to the committee on finance and expenditures

No 94, to provide for the care of the territorial library, to the committee on finance and expenditures

Press and Dakotaian

Thursday, February 20, 1879

CITY AND VICINITY

LOCAL LACONICS

Sunday's Daily

The Beloit excursionists to-day numbered over one hundred persons

The chaplains of the respective houses did not accompany the excursion to Beloit

We can indorse the assertion that the bill of fare at Beloit to-day was not characterized as a "bad bill"

For the benefit of the excursionists, the weather to day struck its old gait, the air is pure and the sunshine bright and genial,

Beloit is only twenty miles from Sioux Falls, and the penitentiary is located at the latter place We pencil this item with fear and trembling

"Old Settler," in another column, gives the correct history but Columbia for the umpteenth time in which it disposed of Walton's interest bill

The city to day is full of teams loaded with wheat, wood, hay &c, and business is good in all departments of trade (except saloon keepers, who grumble because of the excursion)

The breast-pockets of some of the excursionists—not members of the legislature, of course—had an unusual prominence this morning The reason is not apparent, as there was no necessity for carrying lunch, and it is likely that snakes will bite it this season of the year

An impudent fellow asks this question, and asks us to print it If the interest on money is fixed by law at a certain rate per cent why should not the same rule be adopted for the rental of buildings? The conundrum is an easy one, but we have not time to answer it to day

The weather indications for the upper Mississippi and lower Missouri valleys are Very cold and clear or fair weather will continue during the rest of Friday, with areas of snow with northwest to southwest winds and high barometer, followed during Saturday by falling barometer and slowly rising temperature

The following information has been received from the chief signal office at Washington D C Dated the Feb 15 1879, the new river gauge, constructed by the U S engineer corps, at Sioux City, Ia will be used for taking observations of the river at that place The zero of this gauge is placed at low water of 1878, which is one foot higher than the datum line previously used

Commodore Coulson has returned from St Paul His bid as before stated, for the transportation of military supplies on the Missouri and Yellow stone rivers, was the lowest, and the military authorities at St Paul endorsed it as such and recommended its acceptance The bids now go to Chicago, where they are inspected and passed upon by Gen Sherman after which they are sent to Washington, where the final inspection and award is made

A correspondent of the St Paul Pioneer Press, writing from Bismarck, gossips thus "It is said that Judge Kidder is a candidate for the fourth judicial district that congress is expected to provide for this territory It is suspected that Judge Barnes is in Yankton to see that the legislature doesn't legislate him into another district than Northern Dakota The Judge has some legal friends in his old cottage way would not be overcome with grief if he was called to another field."

Henry B Morton, of Green Island, Neb has purchased two of Mr Buford Farris thoroughbred short horns

The cold snap has made the ice on the river solid again, and heavily loaded teams are crossing with perfect safety

Since Shaw got married and left the signal service station, the weather has become disorderly This morning the mercury indicated 12° below zero

Judging from the character of the weather during the past few days, the ground hog must have seen his shadow on the day appointed for him to emerge from his hole

Auditor Sherman issued his first warrants to-day, being for the amount voted to Governor Howard to recompense him for money expended in providing for the care of the insane

A dispatch received to day from J C McVay, now in S. Paul, states that the Missouri river transportation company has the military contract so far as the award of the military authorities at St Paul is concerned The final award will not be made until the secretary of war looks the papers over

A notice in another part of this paper gives the pleasant information of the marriage this forenoon of C A Shaw of the signal service office in this city, and Mrs Mary Frances Burrows, daughter of our fellow townsman, Geo W. Delamater The event, although unexpected, will elicit for the contracting parties the hearty congratulations of their numerous friends Mr and Mrs Shaw left on this morning's train for Washington City

Gov and Mrs Edmunds last evening entertained the members of the council and a number of other friends of the family at their residence on Broadway At an early hour the parlors of their residence were filled with the invited guests and the evening passed in the most perfect enjoyment At 9 o'clock a sumptuous repast was served, and the manner in which the substantials and delicacies were disposed of gave satisfactory evidence that if the able gentlemen of the upper house have any faults indigestion is is not one of them At 11 o'clock the company took leave of their entertainers and each retired with the conscientiousness of having spent a very pleasant even ng

MISSOURI RIVER FREIGHT

The Sioux City Journal contains the following from E D Comings

St Paul Minn, Feb 10—Col R C Wheaton the lowest bidder on the Yellowstone and Missouri river contract The freight goes from Sioux City

The Sioux City Journal is like the democratic party—it wins its heavy est victories the day after election

A SUDDEN DEATH

There is something terrible in the thought of having our friends stricken down at our side without a parting word of endearment or consolation—one moment at our side in the flush of vigorous life, cheering our hearts with their loving sympathy, the next a cur feet, pale with death deaf to our cries and heedless of our tears Every exposure puts every person in instant danger of such a death Seven tenths of the victims of obesity die of heart disease or apoplexy Allen's Anti Fat, the only remedy for obesity reduces the weight by regulating the digestion and assimilation of the food It is perfectly harmless, and its use will insure, in every instance, a reduction of weight from two to five pounds a week.

WHAT DOES THIS MEAN?

The following appears in the Chicago Times as an item of telegraphic news, under date of Milwaukee, Feb 10th

The Chicago, Milwaukee & St Paul railway company has decided to extend its Iowa line thirty miles beyond Patterson, the present terminus, and will begin work as soon as the frost is out of the ground. After reaching the Vermillion river it will decide upon whether or not to construct the line to Yankton this season The Hastings and Dakota division will be extended to Big Lake the limit of the charter grant, a distance of seventy miles

JIM RIVER JOTTINGS

A Brace of Successful Horse Thieves—Movements of the C, M. & St P. R. R.—Seeding Prospects—Consolidation Talk—Immigration and Emigration

The stolen mules have been recovered but the thieves made good their escape They were pursued so closely that somewhere south of the Wessington Hills they dropped the mules The thieves are the same two who escaped from your United States jail in Yankton last fall, Hunter and Mohson, alias Morris and Smith They have so far been successful in stealing about 30 head of horses from the Missouri river and Jim river settlements This is the first unsuccessful operation they have made since their release from the United States bondage They are the most bare faced villians that were ever heard of They are seen every few weeks by the settlers in open day at various places resting themselves to be ready for a midnight run, when the chances afford them then spoil We do hope that the next pursuit of the scoundrels may be successful in ending their career, it matters not if it be done by lead or rope

The Chicago, St Paul and Milwaukee railroad company has succeeded in getting all the property released en route to the Jim river Their attorney has been busily engaged in the business for two weeks past Knowing ones say that this road will reach the Missouri by the 1st of November

The cold freezing nights prevent seeding If a few days of warm weather comes hundreds of acres will be sown the coming week

Considerable immigration is coming into the valley already, and every man to his tent oh Israel is verified by the homestead men in general, for fear of some keen sighted "new comer" locating on the same patch and filing his contest accordingly

Health and comfort seems to occupy the homes of every settler in the valley, old and new Loads of long timber and shingles, pass up the country every day, far to the northwest, twenty miles from Scotland, in the far end of long Hutchinson

Consolidation of the north counties is still agitated by pros and cons, by sticking their heads into one another's faces, and casting up of old scores on the part of the men when all argument is exhausted The women make faces at one another and drink a great deal—of cold tea

Considerable land sales have been made lately in the southern portion of Hutchinson county The purchasers are the lately arrived Russians No title is made to the land it is merely a release of claim The amount paid is about $100 per claim, With the claim goes perhaps an old reaper, wagon, cow, calf, &c Those who sell follow the business they have run away from at the east trying to escape light The light has followed them far into this land They are again uneasy They must go on It is inevitable Schools and churches are springing up They are too close to the prairie of mine They can't help it It is the same story that the father told his seven generations ago Go on like the pickerel and trout up stream, don't stop until you die

THE QUESTION OF INTEREST

Editors Press and Dakotaian —Walton's bill for the reduction of the rate of contract interest from 12 to 10 per cent, was by far the most important that has been before the legislature It was in the interest of the people, and nine tenths of the people were for it, and the house of representatives, recognizing this fact, passed it almost unanimously

The press was for it—the people were for it The Elk Point Courier of this week, had the following

"The bill before the legislature reducing interest to 10 per cent is a just measure, and should become a law It will have a tendency to make investments more permanent, and be of vast benefit to Dakota as a whole Let it pass by all means"

Other papers, in different parts of the territory, had spoken in similar strains, and the Press & Dakotaian had an able article in advocacy of the measure last week.

But yesterday, when the bill came up in the council, in shameful disregard of the people's interests the bill was indefinitely postponed by a unanimous vote Kuykendall, smarting no doubt under the sting of the governor's veto of his free interest bill for the Hills counties moves to indefinitely postpone, and under the whiplash of Pettigrew & Co, real estate agents and loan brokers, even that great lover of the dear people, Capt Miner, of Clay, who was so mindful of his constituents interests as to oppose taxing them for the construction of county buildings, votes aye, and thus lends the great weight of his influence in favor of continuing the extraordinary rate of twelve per cent on all the loans of his beloved supporters We had supposed that when this bill reached the council the gallant captain would cry aloud and spare not, but alas for all human hopes, they vanish as the morning vapor scattered by the sun's rays, when subject to the chicanery of the politician's wand

And at the very time the council defeats this meritorious measure, they have before them, and will pass, a bill to issue $40 000 S per cent bonds for territorial purposes, conditioned that they be sold at par, and to influence favorable action on this bill, they parade telegrams from New York to show that the 8 per cent bonds can be negotiated at par, thus advertising to the world that capitalists east are anxious to put their money here at 8 per cent, but at the same time continuing a rate of interest that compels every poor man, whose family is shivering in a claim shanty on the prairie, *if he borrows at all, to pay 12 per cent*

Are the people of the territory—are the people of Yankton county, satisfied with such legislation?

The loan agent argue against the reduction now, as they did in 1874, for the reason as they assert, *that reduction will prevent us getting money* It was reduced then from 18 to 12 per cent, money continued to flow this way for investment, and none but good results have followed And so it would be now *if reduced to ten per cent* But the shylocks demand their pound of flesh, and the council said by their vote yesterday they should have it, even if the blood of the poor farmer and mechanic, who mortgage their little all to get a start in life shall flow as a consequence

What will be the action of the house on the bond bill of the firm of Pettigrew & Co when it reaches that popular branch of the people's representatives? Will they give it the sleep that knows no waking? If so, they may be assured the people will say amen, and amen! OLD SETTLER

Yankton, Feb 11, 1879

LATEST BY MAIL

New York, Feb 11—John Hope has been arrested, charged with complicity in the Manhattan bank robbery Other arrests are expected

Savannah, Feb 11—W B Fleming has been elected to congress from this district in place of Julian Hartridge, deceased No opposition

Springfield, Ill, Feb 11—Henry P Westerman was tried in the United States court to-day for interfering with one Wardlow, a witness before the grand jury in the Pekin whiskey case, and acquitted

Toledo, Feb 11—The Commercial this morning has an account of the failure, heretofore reported, of the Osborne, Chase & Swayne company, a picture frame manufacturing establishment

Peoria, Ill, Feb 11—The Peoria house was sold to-day by Charles H Deane, who has managed it twelve years, to Graves & Vanest, the present proprietors of the Crawford house at Windsor, Ontario They will take possession on the 1st of March

New York, Feb 11—The Brooklyn health officers charge that a very great number of cows suffering from pleuro pneumonia have been taken from the stables and slaughtered at the abbattoir The carcases are now under guard until the veterinary surgeons investigate.

DAKOTA LEGISLATURE

Proceedings of the Thirteenth Session

COUNCIL—30TH DAY

GENERAL COMMENTS

Mr Day introduced a bill in the council this morning for the relief of Fred Wells late treasurer of Bon Homme county Mr Wells had considerable county money in Parmers bank at the time of its failure, and the bill proposes to relieve him from responsibility of the loss sustained by that failure

Mr Gamble to day introduced into the house an apportionment bill which is the same as the one introduced into the council by Mr Kuykendall with these exceptions It gives to Yankton county one member of the council and three of the house, to Lawrence county one member of the council and four members of the house to Minnehaha county one member of the council and two members of the house and takes McCook county from the Minnehaha county district, to Pennington and Custer counties one member of the council and one member of the house, and it takes Stutsman county out of the ninth district and places it in the eleventh district The bill is otherwise the same as the one introduced by Mr Kuykendall and given by us in brief in yesterday's issue. Gamble's bill is better suited to the temper of the house than Kuykendall's bill

Wednesday, Feb 12—The council met at 10 o'clock a m and was called to order by the president

Prayer by Chaplain Potter

Roll called, members all present

Minutes of yesterday's proceedings were read and approved

REPORTS OF COMMITTEES

Mr MacNider reported council bills 33 and 68 correctly enrolled

Mr Valentine, from the committee on territorial affairs, reported back house file 12, relating to fences in the Black Hills counties without recommendation

Mr Roberts, from the judiciary committee, reported back house files 45, 48 and 34 and council bill 60, with amendments, and recommended the passage of council bill No 61

Mr Cuppett, from the committee on immigration reported back council bill 22, to which amendments had been made by the house, and recommended that the council do not concur in said amendments

On motion of Mr Kuykendall, the report of the committee was adopted

INTRODUCTION OF BILLS

By Mr Cuppett—A bill for an act to authorizing school district No 45 in Lincoln county to issue bonds to build a school house

By Mr Roberts—A bill for an act to prescribe fees for the secretary of the territory in certain cases

Which bills were read a first time

SECOND READING OF BILLS

The following council bills were read a second time and referred as follows

No 74—Relating to the smoking of opium, to the judiciary committee

No 75—To amend chapter 10 of the political code, to the committee on judiciary

No 76—To amend section 93 of the justice code, to the committee on judiciary

No 78—To divide the territory into council and representative districts and apportion the representation therein

Mr Edmunds moved that the bill be referred to the joint committee on apportionment

Mr Kuykendall suggested that the bill be referred to a special committee of the council, to the end that prompt action may be had thereon He stated that thus for all attempts to get the joint committee together had failed, and as the session was drawing to a close it was necessary to place the bill in the hands of a committee which would attend to it at once He moved that the bill be referred to a select committee, and it was so ordered

Mr Edmunds stated that as a member of the joint committee on apportionment, he was always ready to meet with that or any other committee of which he was a member, and that as far as this committee was concerned he had never been notified that it desired a meeting He thought justice and courtesy required that the measure before the council should be committed to that committee

Mr Kuykendall stated his remarks referred more especially to the house members of the committee It was the membership of the committee from that body that couldn't be got together

Mr Roberts concurred in the statements made by Mr Kuykendall

On motion, the reference of the bill to a special committee was reconsidered and the bill referred to the joint committee on apportionment, with a request to examine the bill and report to morrow morning

No 79—For the protection of labor, to the committee on judiciary

No 80—To amend sections 323, 324 and 325 of the code of civil procedure, to the committee on judiciary

No 81—To exempt volunteer firemen from service as jurors and the payment of poll tax, to the committee on highways, bridges and ferries

MESSAGE FROM THE HOUSE

A message from the house announced the passage of council bill 24, the penitentiary bill, with amendments, and council bill No 59, amending the charter of the city of Fargo with amendments, also, the passage of house files 69, 70, 50, 59, 32 and 61, and the concurrence in the council amendments to house file No 13

On motion of Mr Pettigrew the council concurred in house amendments to the penitentiary bill

THIRD READING OF BILLS

Council bill No 66—To amend section 6 of chapter 5 of the political code relating to the bonds of officers, was read a third time, the amendments recommended by the judiciary committee adopted and the bill passed

Council bill No 64—Authorizing Lawrence county to fund its outstanding indebtedness Passed

HOUSE BILLS

The following house bills were read a second time and referred as follows

No 26—Regulating the time and manner of making fire guards, to the committee on highways, bridges and ferries

No 43—Providing for the expenses of the territorial library, to the committee on finance and expenditures

No 55—To accept certain territory to the Yankton city school district, to the committee on education

COMMITTEE OF THE WHOLE

The council at 11 o'clock went into committee of the whole, Mr Cuppett in the chair, on council bill No 56, relating to public education

On motion of Mr Roberts, the first five sections of the substitute offered yesterday by Mr Walsh, were adopted

After a number of motions in regard to the salary of the territorial superintendent, proposing respectively to make the salary from $100 to $1,000 a year, on motion of Mr Edmunds, the salary was fixed at $600 a year

On motion of Mr Pettigrew, it was voted that the salary and allowances of the territorial superintendent shall not exceed $1,000 a year

On motion of Mr Day, section seven of the substitute was so amended as to give county superintendents and district school officers the exclusive right to select text books

The sections of the bill up to twenty-nine were read and slightly amended, when on motion of Mr Kuykendall the committee rose, reported progress and asked leave to sit again

The report of the committee was adopted, and the further consideration of the bill made the special order at 11 o'clock to morrow

INTRODUCTION OF BILLS

Mr Day asked and obtained leave to introduce a bill for an act for the relief of Frederick Wells in the matter of his accounts as treasurer of Bon Homme county

ADJOURNMENT

On motion of Mr Rohr, the council at 1 o'clock p m, adjourned until 10 o'clock tomorrow morning

HOUSE—THIRD DAY,

The house convened, pursuant to adjournment, at ten o'clock a m

Mr Speaker in the chair

Prayer by the chaplain, Rev J P Coffman

Roll call showed all members present

The journal of yesterday's session was read and approved

COUNCIL MESSAGE.

A message was received from the council announcing the passage, with amendments, by the council, of house files 2 and 57, also the passage without amendment, by the council, of house files 27, 40 and 47, also that the council had concurred in the house amendments to council bills 33 and 38, also that the council had indefinitely postponed the resolution for an adjournment of the legislature

COMMITTEE APPOINTED

The speaker announced as the committee to examine house file 53 and council bill 40 Messrs Fockler, Langness, Maukesch, Walton and Whitfield

PETITION AND REMONSTRANCE

Mr Whitfield presented a petition from residents of Lawrence county setting forth defects in the law for the protection of mechanics and asking that the law be amended

Mr Flick presented a remonstrance against the division of Lawrence county, from citizens of Lawrence county

COMMITTEE REPORTS

Mr Stewart, from the committee on territorial affairs, reported back house file 63 with a recommendation that it pass, also house file 64 with a recommendation that it do not pass, house file 66 with amendments and a recommendation that it pass as amended, also house file 21 with amendment and a recommendation that it pass as amended

Mr Walton from the committee on engrossment and enrollment, reported that house files 6 19 and 22 had been sent to the governor for his signature, also that house files 18 and 23, memorials, had been filed with the secretary

Mr Gray, from the railroad committee on railroads reported back house file 3, enacting a railroad law for Dakota, with a recommendation that the house concur in the council amendments thereto On motion of Mr Burbank, the house concurred in the amendments

Mr Gamble, from the committee on judiciary, reported back house file 63 with amendments and recommended that it pass as amended

Mr Whitfield, from the committee on mines and mining, reported back council bill 58 and house file 58 with a recommendation that they pass

Mr Flick, from committee on highways roads and bridges, reported back council bill 60 with a recommendation that it pass

Mr Langness, from the special committee to whom was referred council bill 52, reported the same back with amendments and recommended its passage as amended

INTRODUCTION OF BILLS

H F No 72—By Mr Gray—For an act concerning liens

H F No 73—By Mr Gamble—For an act to amend section 640 of the code of civil procedure

H F No 74—My Mr Gamble—For an act to amend chapter 48 of the political code, relating to legislative apportionment

On motion of Mr Burbank, the rules were suspended and the bill passed to its second reading and was referred to the committee on apportionment

H F No 75—By Mr Maukesch—Relating to the restoration of survey lines and mounds along the western boundary of Yankton county

H F No 76—By Mr Gamble—For an act to amend section 2 and 3 of chapter 39 of the political code

CONCURRED IN

On motion of Mr Flick, the house concurred in the council amendments to house file two

On motion of Mr Stephens, the house concurred in the council amendments to house file 57

COUNCIL BILLS

Council bill 45, relating to revenue, was referred to a special committee consisting of Messrs Fockler, Trygstad and Shely

Council bill 65, fixing the terms of office of Lawrence county commissioners, was referred to the committee on immigration on *motion of Mr Whitfield*

Council bill 58, providing for the appointment of a fire warden in the city of Deadwood, was read a third time, and passed by unanimous vote

Council bill 52, providing a board of education for Sioux Falls, was read a third time and passed, as amended by the house committee, *by unanimous vote*

Council bill 60, prescribing regulations for the execution of the trust arising under the act for the relief of occupants of public lands, had its third reading and was passed by a vote of 25 to 1, Mr Johnson voting in the negative

HOUSE BILLS.

House file 73, to amend section 640 of the code of criminal procedure, was referred to the committee on judiciary, on motion of Mr Stephens

House file 71, to amend section 37 of the act establishing the Yankton board of education, *was under suspension of the rules*, read a third time and passed by a unanimous vote

House file 58, establishing the county of Howard, was laid over until to morrow on the request of Mr Flick, who desired to make a minority report thereon

House file 63, creating the office of reporter to the supreme court, passed as amended in committee, by a vote of 14 to 10

House file 21, providing for a superintendent of weights and measures, passed, as amended in committee, by unanimous vote

House files 23 and 57 were *referred* to the committee on enrollment

House file 68 was laid on the table until to morrow, on motion of Mr Gamble

The report of the committee that house file 52, to amend section 9 of chapter 38 of the political code, does not pass, was adopted, on motion of Mr Husboe

The report of the committee that house file 61, do not pass was laid on the table, on motion of Mr Stephens and the bill being put upon its final passage, was lost by a vote of 21 to 5

House file 51 was made the special order for Saturday at eleven o'clock a m, on motion of Mr Langness

The committee on townships and counties was instructed to make a report to morrow on house file 26, on motion of Mr Fockler

The committee having in charge house file 29 was instructed to report the same to-morrow, on motion of Mr Stewart

ADJOURNMENT

On motion of Mr Burbank, the house, at 11 30 a m, adjourned to ten o'clock a m, *February 13th*

COUNCIL—31ST DAY

GENERAL COMMENTS

Mr Gray's bill to honor the city of Bismarck with the future legislative assemblies of Dakota came to an inglorious fate in the house this morning in being indefinitely postponed on the report of the committee to whom it was entrusted The measure was not even discussed, but was quickly and quietly put away.

The legislature made for itself a holiday for to-morrow, by accepting President Wickersham's invitation to take an excursion on the Dakota Southern road, and at the same time instituted a wise provision for protecting the families of the members against the hardship of being deprived of a day's pay in consequence of the frolic The two houses are to meet at seven o'clock in the morning for the purpose of adjourning, that while they are riding on the railroad, their four dollars apiece may be accumulating on the you-owe me side of their account against the government This was wise thoughtfulness We believe in encouraging the distribution of Uncle Samuel's money among the people

The bill for the increase of the salaries of district attorneys from $600 to $1200 per annum, went through the house to day, by a strong majority, thanks to the earnest work of the gentlemen who advocated it A majority report of the committee to whom the bill was entrusted favored a smaller sum than the bill contemplated, but the house did itself the honor to put aside that report and pass the measure Should the council concur, our criminal matters will remain in the hands of competent attorneys, instead of being peddled out to low bidders and taken possession of by those who are incompetent to execute the trust

The Howard county bill yet remains among the uncertain enactments It was killed once to day, but was resuscitated and will live in committee of the whole next Monday, when its merits or demerits will be discussed This measure proposes a division of Lawrence county One member of the Black Hills delegation, favors it and the other opposes it It is therefore difficult for the house to decide which way to go

Mr Walton's house bill reducing the legal rate of interest to ten per cent was killed in the council this morning, by an indefinite postponement without a dissenting voice When it is remembered how popular this measure was in the house, this strongly adverse view of the same subject in the council leads to many philosophical reflections upon the difference in the composition of the two bodies

Thursday, Feb 13—The council met at 10 o'clock, and was called to order by the president

Prayer by the chaplain

Roll call, members all present

Minutes of yesterday's proceedings read and approved

REPORTS OF COMMITTEES

Mr Day, from the committee on highways, bridges and ferries, reported back council bill No 81, relating to exempting volunteer firemen from service as jurors and payment of poll tax, and recommended its passage

Mr MacNider reported council bill No 50 correctly enrolled and council bill No 59 correctly engrossed

Mr Wynn, from the committee on education, reported with amendments council bill 61, for the education of deaf and dumb, and recommended its passage as amended

Mr Edmunds, from the committee on finance and expenditures, reported with amendments house file 15, relating to expenses of the territorial library, and recommended its passage as amended

Mr Roberts, from the committee on judiciary, to which had been referred council bills Nos 70 and 71, making appropriations for the insane hospital and territorial penitentiary, with instructions to embody the two bills in one, reported a bill embodying the appropriations for the two institutions, and recommended its passage

The bill was read a first and second times, when certain amendments were proposed by Mr Pettigrew and adopted by the council The amendments reduce the amounts appropriated

A motion by Mr Pettigrew to suspend the rules and place the bill on its final passage was lost by a tie vote, and the bill was then *referred to the judiciary committee*

INTRODUCTION OF BILLS

By Mr MacNider—A bill for an act to amend the charter of the city of Bismarck

By Mr Cuppett—A bill for an act to authorize school district No 49 in Lincoln county to issue bonds to build a school house, also, a bill to amend section 36 of chapter 27 of the political code entitled elections

Which bills were read a first time

HUOSE MESSAGE

A message from the house announced the passage of *the following bills*

Council bill No 52, creating a board of education for the city of Sioux Falls, with amendments, and council bill 60, relating to settlers on the public lands, and No 58, for the appointment of a fire warden for the city of Deadwood, without change Also the passage of house files 21, 63 and 71, and that the house had concurred in council amendments to house files 2, 3 and 57

On motion of Mr Pettigrew the house *amendments to council bill 32 were* concurred in

REFERRED

Council bill No 72, in relation to changing and discontinuing highways, was read a second time and referred to the committee on highways, bridges and ferries

Council bill No 84, providing fees for the *secretary of the territory* in certain cases, had its second reading and was referred to the committee on judiciary

Council bill No 50 authorizing certain counties in northern Dakota to issue bonds in aid of the construction of railroads, came up for its third reading, and after some discussion in regard to its provisions, on motion of Mr Roberts it was recommitted to the committee on judiciary

Council bill No 61 providing for the education of deaf and dumb persons was read a third time and ordered engrossed

PASSAGE OF BILLS

The following bills were passed

Council bill No 73, creating a board of education for the city of Fargo

Council bill No 82, authorizing certain towns and townships in Lincoln county and the village of Dell Rapids in Minnehaha county to issue bonds in aid of the construction of railroads

Council bill No 83, authorizing school district No 45 in Lincoln county to issue bonds to build a school house

Council bill No 81, exempting volunteer firemen from service as jurors and the payment of poll tax

HOUSE BILLS

House files Nos 21, 32, 55 59, 61, 63, 69 70 and 71 had their first reading

On motion of Mr Kuykendall, the rules were suspended, and house bill No 70, to consolidate certain election precincts in the counties of Lawrence, Pennington and Custer, was read a third time and passed

House bill No 12, in regard to fences in the Black Hills counties, was read a third time, and on motion of Mr Kuykendall, was recommitted to the committee on judiciary

House file No 34, to amend section 22 of the code of civil procedure Passed

House file No 43, providing for the expenses of the territorial library, came up for its third reading

Mr Miner thought it was a bad bill The sum appropriated by the bill for the care of the library, he said, was too much The library is a benefit to the people of Yankton only, and he thought it should be maintained without cost to the territory He believed that any town in the territory would be glad to take the library and maintain it free of charge

Mr Edmunds advocated the passage of the bill He alluded to the manner in which, for the want of a proper place to keep them, the arms and munitions of war issued to the territory by the general government several years ago were scattered, lost and destroyed, and unless proper provision is made for the care of the territorial library, which now contains books to the value of $12 000 it will probably meet the same fate

Mr Miner alluding to the war material furnished the territory by the general government, said that when the saddles and bridles, and guns and ammunition included in that issue were scattered some good to the people resulted, if, however, they had been stored and remained in Yankton no greater benefit would have resulted to the people than is now derived from the territorial library by citizens of the territory outside of Yankton

Mr Pettigrew said he did not like the bill in its present shape, and moved to recommit it to the committee on judiciary, which motion, however, did not prevail

Messrs Roberts and Day supported the bill

On the roll being called the bill was passed, ayes 10, noes 3, Messrs Miner, Pettigrew and Mr President voting in the negative

House file No 45 to amend sections 1098 and 1,100 of chapter 3 of the civil code, reducing the rate of interest from 12 to 10 per cent (being what is known as Walton's bill) was, on motion Mr Kuykendall indefinitely *postponed by a unanimous vote*

House file No 48 to amend section 446 of the civil code, concerning the examination of husband and wife as witnesses against each other Passed

House file No 56 to change the name of the county seat of Richland county Passed

ADJOURNMENT

Mr Wynn moved that the council take a recess until two o'clock p m

Mr Kuykendall stated that the joint committee on apportionment had an appointment for a meeting in the council chamber at 2 o'clock this afternoon, and the business of that committee he considered of more importance than an afternoon session of the council

Mr Wynn then withdrew his motion for a recess, and moved that the council immediately go into committee of the whole on the school bill, which motion did not prevail

Mr Miner moved that the council adjourn until 8 o'clock to morrow morning, but at the request of Mr Pettigrew withdrew his motion for one made by Mr Pettigrew to invite the employes of the council to participate in the excursion to Beloit to morrow which motion, after being amended to include the reporter for the Press & Dakotaian, was unanimously adopted

Several motions to adjourn to different hours were made and lost, one of the motions being that the council meet and organize at 8 o'clock to morrow morning in the basement of the Merchants hotel, but some one suggested that if the word "organize" was stricken out the meeting would take place without the formality of a motion

Finally a motion to adjourn to 7½ o'clock to morrow morning was put and declared carried, and the council accordingly adjourned to that hour

HOUSE—31ST DAY

The house convened pursuant to adjournment, at ten o'clock a m

Mr Speaker in the chair

Prayer by the chaplain, Rev J P Coffman

Roll call showed all members in their seats

The journal of yesterday's session was read and approved

COUNCIL MESSAGE

A message was received from the council announcing the passage of council bills 64, 32 and 66, also the concurrence of the council in the house amendments to council bill 34

FROM THE SECRETARY

A communication was received from the secretary of the territory stating that he did not feel justified in incurring further expense for printing bills

COMMITTEE REPORTS

Mr Walton from the enrollment committee, reported house files 13 27, 42, 57 and council bill 59 as correctly enrolled

Mr Brown, from the committee on counties and townships, reported back house files 30 and 35 with amendments and recommended their passage as amended

Mr Gamble, from the judiciary committee, reported back house file 73 with amendments and recommended its passage as amended

Mr Stephens, from the committee on insurance, banks and banking, reported back house file 65, a bill proposing to change the capital of Dakota to Bismarck, and recommended that further action upon the bill be indefinitely postponed The report was signed by four members of the committee, and Mr Stephens announced that Mr Gray, the fifth member, would submit a minority report

Mr Whitfield, from the special committee, to whom was referred house file 24, reported the same back without recommendation It provides for the relief of C J B Harris

Mr Flick presented a minority report on house file 58, the bill for creating Howard county, recommending that the bill do not pass His report was accompanied by a remonstrance signed by about 325 persons

BILLS SIGNED

A special message was received from Governor Howard announcing that he had signed the following house bills No 6, to prevent fraudulent banking, No 19, appointing E A Sherman special agent to look after the interests of the insane, No 22, amending section 56 of the justices' code

NOTICE OF BILLS

By Mr Flick—For an act to regulate the practice of medicine, surgery and obstetrics

INTRODUCTION OF BILLS

H F No 77—By Mr Huseboe—For an act to incorporate the village of Flandreau

H F No, 78—By Mr Gray—For an act to amend section 324 of chapter 13 of the code of civil procedure

H F No 79—By Mr Flick—For an act to amend section 667 of the code of civil procedure

COUNCIL BILLS

Council bills number 64 and 66 had their first reading

HOUSE BILLS

The following house bills had the second reading and were referred as indicated

Number 75—relating to the restoration of obliterated survey marks in Yankton county—committee on counties and townships on motion of Mr Simonson

Number 76—fixing the salaries of the territorial treasurer and auditor—judiciary committee, on motion of Mr Burbank

Number 67—relating to public highways—committee on education, on motion of Mr Gamble

Number 24—for the relief of C J B Harris—committee of the whole and made the special order for Monday at 11 30 a m

House file 65, Mr Gray's bill for the removal of the capital of Dakota from Yankton to Bismarck, reported back by a majority of the committee to whom it was referred with a recommendation that further action on the bill be indefinitely postponed On motion of Mr Gamble, the majority report was adopted

House file 73, amending section 64, of the code of criminal procedure, under favorable report from committee, had its third reading and was passed unanimously

House file 25, amending sections 2 and 4 of chapter 60 of the penal code, under favorable committee report, had its third reading and was passed by a unanimous vote.

House file 30, giving to the people of Union county the privilege to vote to change the county seat, under a favorable committee report, had its third reading and was passed by a unanimous vote

House file 62, to regulate the testing of wheat, barley, flax seed and other grain, came up for third reading and final passage The report of the committee recommending its passage was adopted, but upon the representations of Mr Gamble that the bill as it stood would prohibit the sale of grain in any county which had not a scaler of weights and measures, the bill was, on motion of Mr Langness, referred back to the committee on territorial affairs

House file 57, amending the law fixing the time for keeping open the polls, had its third reading and was passed by unanimous vote

House file 58, for the creation of the county of Howard, came up for third reading and, on motion of Mr Flick, was indefinitely postponed The motion for an indefinite postponement having been adopted under a misapprehension, was rescinded, on motion of Mr Brown, and then, on motion of Mr Burbank, the measure was referred to the committee of the whole and made a special order for Monday at two o'clock p m

House file 66, providing for an increase in the salary of district attorneys from $600 to $1200 per annum, came up for its third reading With it came two reports—a majority report recommending an amendment fixing the salary at $750 and a minority report recommending the passage of the bill as it stood

A motion was first made that the minority report be adopted

Mr Jackson Mr Gamble Mr Gray and Mr Flick spoke earnestly in favor of the passage of the bill as it stood The argument was that no competent attorney could afford to do the work for a less salary than that named in the bill and that it was false economy to cut down the pay from the sum proposed

The ayes and noes being called on the adoption of the minority report it was adopted by a vote of 18 to 8 Messrs Boyer, Hoyt, Johnson Peterson, Stewart Wallace and Weeks voting in the negative and all the rest in the affirmative

The question then being upon the passage of the bill, the ayes and noes were called and the bill passed by a vote of 19 to 7, Messrs Boyer Hoyt Johnson Peterson, Stewart Wallace and Weeks voting in the negative and all the rest in the affirmative

Mr Gray moved to reconsider the vote by which the bill passed and also lay the motion to reconsider upon the table Adopted

ADJOURNMENT

On motion of Mr Whitfield at 12 30 p m, the house adjourned to seven o'clock p m February 14th

THE LEGISLATURE

Last Friday's Doings in the Respective Bodies

Just as "a cund morn stood up toe on the misty mountains height," the early rising members of Dakota's body of law makers, with muffled heads and humped shoulders, wended their way to the court house to earn their per diem before starting on the Beloit excursion In

THE COUNCIL

the president took the chair promptly at half past seven o'clock and called the body to order A quorum was present

On motion, the calling of the roll was dispensed with

On motion, the reading of the journal was dispensed with

The chaplain, not being so early a riser, and fortunately not being a Israelite, living several miles in the country he was, on motion of Capt Miner excused A suggestion that the sergeant-at-arms perform the chaplain's duty was promptly voted down on the ground that there was not sufficient available time to permit that functionary to do justice to the subject and for the further reason that the invocation would be more appropriate and necessary after the return of the excursionists

On motion of Mr Pettigrew, the reporter for the Press and Dakotaian, who had just gone to bed was also excused

An omnibus motion, including and excusing all the absent members, was made and adopted,

Whereupon, by general consent, the council adjourned to the depot, and were soon snugly ensconced in the well provided and appointed excursion train for Beloit

IN THE HOUSE

similar proceedings were had at the same unearthly hour, and at the appointed hour a quiet adjournment was effected, and the members of the house were soon in committee of the whole with those of the council on the excursion train to Beloit The prayer of the reporter is, that they may remember their virtues and their—failings and that when the day's pleasures and festivities are over, they may, figuratively speaking, realize that "'tis sweet to hear the watch dog's honest bark bay deep mouthed welcome as they draw near home"

NORTHERN DAKOTA ITEMS

Business is reviving in Jamestown

Fargo public school has members to pupils

A considerable amount of building is being done at Fargo

Fargo is looking forward to a grand ball quet and ball on St Patrick's day

Jamestown is styled "The New Central City of Stutsman county by a correspondent to a St Paul paper

The heaviest full o snow of the winter, at Fargo, occurred last Friday night when it fell to the depth of two inches

J J Jackman, deputy grand master I O O F went from Bismarck to Fort Totten to install the officers of an odd fellows lodge at that fort

Prof Chas Bryant in writing Fargo is "dumbfounded to find such an active vigorous town, where so short a time ago nothing but prairie existed"

Postmaster Grant, of Fargo, during his trip to Washington, Baltimore New York, Philadelphia, and other places heard everywhere of the Fargo Republican and its mission of pointing thousands of the east to Dakota

Fargo Republican It is earnestly to be hoped that the management of the N P R R will arrange for night trains between Fargo and St. Paul will prove well founded Such an arrangement would be a great accommodation to the people of Northern Dakota, and by running day trains in connection between Fargo and Bismarck, would permit the thousands of visitors and land seekers to see this beautiful country by daylight

LIST OF LETTERS

Remaining in the postoffice of Yankton Yankton county, D T Feb 18, 1879

It not called for in 30 days will be sent to the Dead Letter office

Anderson, Miss Martha	Fands, Jazef
Bye, Andreas	Kelm, Gothlob
Black, D E	Kountz Jno
Brickle, Nils A	Larson, D A
Briesman, Larnest	Murphy, Denis
Casson, Willie	Nasson, John
Carrier, T	Overgard, C N
Cathers, Abraham	Oulson, Ole
Christisen, J C	Pointer, D W
Christenson, Jens	Rumbaugh, Thos
Davis, Mrs Alfred	Sheran, Joerre
Freyer, Dr J W	Stokes, H
Frick, Paul	Steuel, Phil
George, Miss Clara	Stein, Anders K
George, Miss Clara	Terreyck, Levi
Howard, W H	Terry, W H
	Taylor, Thad S
	Worthen, Mrs Maria

HELD FO

Library of Congress July 19 79

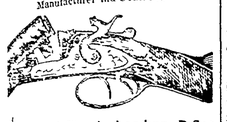
Press and Dakotaian.

Volume 17. YANKTON, DAKOTA TERRITORY, THURSDAY, FEBRUARY 27, 1879. Number 45.

Press and Dakotaian
—ESTABLISHED 1861—
WEEKLY EDITION
Subscription Price, . . $2 per year
ADDRESS
BOWEN, & KINGSBURY
YANKTON, - - DAKOTA.
Thursday, February 27, 1879

GUNSMITHS

H. W. WHITE,
Manufacturer and Dealer in



Breech and Muzzle Loading Rifles
New Guns Revolvers Ammunition, Fishing Tackle Musical Instruments including my celebrated improved patent violins, and other sporting goods Agent for all the best brands of Lowest Prices Will sell down to bottom pattern prices Allcharlton Arms Musical Instruments Sewing Machines etc repaired Stencil Letters, Key Pieces Reached and Key Checks executed Orders and dispatch Agent for Spies, Bauer & Co New York City.
H W WHITE, Yankton, D T.
Cedar Street between 3rd and 4th Sts

HOTELS

BRADLEY HOTEL
YANKTON, - DAKOTA
Corner FOURTH AND WALNUT STS
Henry Bradly, Proprietor
Convenient for Farmers, Freighters and Teamsters Rates reasonable

PLYMOUTH HOTEL,
PORTLANDVILLE, IOWA
O.A.STOEL, Proprietor
The first class house in the city Good rooms Baggage to and from the house free of charge
O A STOLE Prop

PROFESSIONAL.

C J B HARRIS,
Attorney---At---Law
REAL ESTATE & INSURANCE AGENT
Keeper of Abstracts for Yankton County
Practice Law in this and adjoining counties Special attention given to Conveyancing Money to loan on unincumbered farms Will attend to all Land Office business Pre emption Homestead and Contested cases Buy and sell city property Furnish Loans on commission Taxes paid and Remitted through out the Territory Has Deeds of This Co

FIRE AND LIFE INSURANCE CO'S
Has and furnishes correct Abstracts of Title to all Real Estate in Yankton county
Office, Corner Third and Capital Streets
Opposite the Jencks Hotel
YANKTON - DAKOTA

D FRANK ETTER, M D
PHYSICIAN AND SURGEON
Yankton, D T
Office and Residence Corner Fifth and Douglas Streets

G W ROBERTS
JUSTICE OF THE PEACE
Third Street, opp Post Office
YANKTON - DAKOTA

BOOTS AND SHOES

J. J. DUFFACK,
Manufacturer of and Dealer in
BOOTS and SHOES

Tongue Boots, Sewed,	$12 00
Plain Calf Boots,	10 00
French Calf " Pegged	8 00
American Calf	7 00

CUSTOM WORK
Made to Order and
Repairing a Specialty!
Third Street, Yankton

LUMBER

E. P. WILCOX
Dealer in all descriptions of
Pine Lumber,
Shingles, Lath,
Doors, Sash,
Blinds, Mouldings
BUILDING PAPER
AND FELT
Will be furnished in any quantity desired
SECOND & MULBERRY STS,
Yankton, - - Dakota

ACADEMY OF THE SACRED HEART
YANKTON, DAKOTA
This Academy is under the direction of the Sisters of Mercy
The course of studies at this Institution between the usual branches of a good, useful education embraces
Music, Drawing, Painting, Plain and Fancy Needle Work, Wax Fruit and Flowers, &c, &c
The sessions commence the first week in September and the first week in February
Each boarder will come provided with Tablespoon, knife and fork Silver Spoon, Goblet and Work Basket, and have her clothing marked in full.
All Payments to be Made in Advance
TERMS PER SESSION:

Board and Tuition including Vocal Music in Class Needle Work, Bed and Bedding	$80 00
Washing	5 00
Use of Piano	30 00
Singing Lessons	10 00
Drawing	10 00
Painting	10 00
Painting in oil	15 00
Artificial Fruit and Wax Flowers	15.00
Lace Work	10 0

Secretary Sherman has been seriously ill with a throat and lung difficulty, but is recovering

The democratic congressional caucuses have adopted a resolution for the abolishment of the office of public printer and a return to the old system of letting out the printing by contract

In the face of the fact that nearly one-half of the children of Dakota are already deprived of educational advantages, our legislators have deemed it an act of wisdom to still further cripple the school facilities of the country districts by depriving them of the general tax which is their main support Are they legislating for the good of the people, or for personal ends?

Senator Blaine has prepared a substitute for the Burnside army bill which the house has attached to the army appropriation bill There is in the senate a strong sentiment against burdening appropriation bills with amendments foreign to their nature and the proposed substitute will probably be received with favor Mr Blaine's bill contemplates a gradual reduction of the number of officers in the army

Jay Gould held 170,000 shares of Union Pacific stock before the organization of the new syndicate, 100,000 shares of which he let go at seventy cents on the dollar As much of this stock was purchased by him as low as thirty-cents on the dollar, it will be observed that his recent transactions have brought to him a nice little fortune That Mr Gould contemplates retiring from active business is one rumor and another is that the report is a ruse of the syndicate for its effect upon stock

The last new Dakota paper which has come to hand is the Dell Rapids Exponent, published near the northern boundary line of Minnehaha county by E C Whalen The Exponent is independent in politics and is to be devoted exclusively to the interests of the locality from which it emanates The field is a prolific one and the new paper gives promise of an ability to fully occupy it Our wish is that Mr Whalen's paper may become a big broadside daily before many years go by

Mr Gray, of Burleigh county, has introduced into the house a bill providing for the registry of votes in cities and incorporated villages above a certain specified population We have not seen the bill and cannot give the details of its provisions But we know that a law of this nature is needed, especially in the river cities A proper system of registration will prevent the reckless and unlawful voting which has been a feature of all previous elections since steamboats began to land their crews at Dakota ports Especially is such a law needed at Bismarck, the home of the author of this bill.

General Logan is to be given a public ovation on his arrival at Washington He will be met at the depot by a reception committee, and a procession, headed by the Marine band, which will include the military and most of the political organizations of Washington, and be escorted to Willard's hotel, where speeches will be made The reception committee will be headed by the Illinois congressional delegation, by invitation of citizens, and will include all the republican senators and representatives from the south, representatives from the various political and soldiers' organizations, and a delegation of citizens headed by Fred Douglass Pennsylvania avenue will be illuminated, and displays of fireworks will be made

The eighth and ninth annual reports of the superintendent of public instruction W E Caton, has just been issued from the Elk Point printing establishment of C F Mallahan It makes a handsome book of one hundred and twelve pages and includes sub-reports from the various county superintendents in the territory The statistical portion of the report contains returns from fifteen counties and the city of Yankton, and in these there are 237 organized schools The number of children of the school age in these counties is reported at 12 201, while only 7156 of this number are enrolled as pupils of schools Right here is a silent but potent argument in favor of the most liberal school legislation Nearly one half of the children of Dakota are growing up in total ignorance!

A bill has been passed through both branches of the legislature which takes from the second judicial district of Dakota the counties of Codington, Duel, Grant, Hamlin, the Sisseton reservation and the northern half of Boreman county, and attaches them to the third, or northern, district, west of the Missouri river Grand river is made the southern boundary of the third district, instead of the 46th parallel of latitude, giving to that district a slight increase in territory The important change in district lines is the transfer of the four eastern counties named from the jurisdiction of Judge Shannon to that of Judge Barnes For the convenience of litigants residing in those counties, and to further the efforts of those who enforce the United States laws therein, this region of country was thrown into the third district Communication with the seat of justice is thereby made more speedy and certain and less expensive John Q Burbank, of Richland county, placed this matter before the legislature and urged it with his usual persistency He demonstrated the advantages to come out of the change, and it is now generally conceded that the two districts are in better working shape than before

The summary manner in which the veto messages of Governor Howard are set aside by the legislature, is the cause of considerable criticism against the members thereof That there is a motive in this action seems to be generally conceded, and there can be no harm in stating that the Sherman matter is remotely the cause Governor Howard antagonized the council element, which was favorable to Treasurer Sherman by the financial strictures contained in his message In endeavoring to right the matter by appointing Mr Sherman auditor in the face of a somewhat adverse report from a house committee, he arrayed against him the strong anti-Sherman element in the house without propitiating those who had previously taken offense in the council Thus the matter stands A majority of the council is hostile because the governor first criticised the treasurer, and a majority of the house stands in a like attitude because the governor gave a tacit admission of an error by appointing Mr Sherman to a responsible position This is how it happens that his vetoes are not respected

THE DEPLORABLE SITUATION.

Schools Without Revenue, and Legislators Opposed to Education

Editors Press and Dakotaian —Your legislative report shows that the council, in considering the school bill, abolished the general school tax of three mills and the school poll tax of one dollar, or at least did all it could toward that result But your account omits to give the names of the members who struck this foul blow Let us have the full vote if possible, naming these Dakota politicians who, as soon as entrusted by a too-confiding people with the power to mar or destroy laws and institutions they have not the capacity to appreciate, fastened their grip in the throat of the public school system, determined to drain its blood and choke out its life

In such new countries, there are always dark spots,—districts where the majority, like these councilmen, don't care whether school keeps or not, if it don't cost them anything, but would rather it would not keep if it is to add a dime to their taxes So this general tax or fund was created to help secure to all such stingy neighborhoods the benefits of schools, by making the strong help the weak, the unwilling help the willing, by equalizing the cost, and practically fulfilling the command, "Bear ye one another's burdens"

This general fund is divided among districts, so much to every pupil It is the property of the children, given to secure them a chance to learn to read and write, especially where the contemptible parsimony of local landsharks would have wholly denied them this right When divided it usually gives each pupil from one to two dollars per annum, if his district supports school, if no school, then no money Nothing in our law goes so far to make education general, as the county fund from this three mills tax, which half a dozen unscrupulous enemies of education have done their meanest to abolish

How would other public interests fare, if governed by the same shortsighted policy? Suppose this wise council enact that it is not best to lay a county tax for roads and bridges and records, but make each one who wants such favors provide them himself Or suppose the United States pass a law declaring that since territories are a costly nuisance and legislators are often of very small caliber, it is wrong to tax the general treasury to pay these obscure pioneers their wages while playing statesmen Let Uncle Sam announce that here after the rule is to be "Every man for himself, and the devil take the hindmost," that if Dakota wants a legislature and laws and courts let her pay for it, if Bon Homme and Clay employ representatives, two hundred years behind their age, let Bon Homme and Clay fork out their four dollars per day What county would care to be represented upon these terms? Where would Dakota's legislature and laws and courts be, if ours were not a liberal and fraternal nation? And what would these thrifty, niggardly politicians do for a fat winter's job, with a chance to misrepresent the people and rob the school children

The champions of ignorance in the council did their best to destroy all system and organization in school matters by abolishing the office of superintendent, they then tried to disgrace that office by taking away nearly all the salary, they repealed every cent of appropriation for teachers's institutes, they reduced the amount of special school taxes which districts may vote, about one half, and now they want to destroy all other sources of revenue except this special tax voted from year to year Noble band of patriots! When such assaults are made upon the school system on the pretense of economy it is well to watch closely for steals and grabs that are liable to follow

The school law is eminently a poor man's law, it aims to put the education of poor men's families upon the safest basis, where no paltry, griping, little-souled land speculators can break it up entirely by refusing support And as one poor man, who wants his children educated in a safe and reliable school system, I protest against a change that will rob the system of much of its efficiency and shut up perhaps half the rural schools

Let these few patrons of economy return proudly to their admiring constituents, say ing It is true we met at 7 a m to get our four dollars while away on an excursion, we prolonged the session to the utmost limit at the expense of the territory, but we put in our time faithfully in trying to starve out teachers and hinder education for the sake of economy POOR PARENT

The Chicago Times of the 18th inst., claims that McGarry & Leighton are the lowest bidders for Missouri and Yellowstone river transportation, but the Times is so notoriously unreliable in its statements that we do not consider its announcement as entitled to any credence From the beginning of this contest it has been opposing the Coulson interests, and as it has come to be an established fact that everything the Times opposes eventually succeeds, we can look for a victory out of this affair for the Coulson line of boats A telegram was received here yesterday from Captain McVay, which stated that the Coulson bid was as successful at Chicago as at St. Paul, which means that the bid of this line has been declared the lowest at both the St Paul and Chicago offices It now goes to Washington for final decision, and though all the Missouri river, Northern Pacific and St Paul influence is solidly combined against the Yankton line, we believe that the Coulson bid will capture the works The Times volunteers the statement that the government has always favored the Coulson bids There is reason that it should, as his line is the only one on the river with facilities for performing the work

A correspondent who has suffered suggests that sign boards be erected about the city with the local laws painted upon them in three languages, so that all our people may know when they are going to incur the liability of a fine This suggestion, though a crude one, contains considerable good sense Many laws have been enacted about which the people know little or nothing until they are called upon to pay eight or ten dollars for the knowledge imparted

A fellow who drops in occasionally to see us says he has recently discovered in a young lady's album something which makes him feel ashamed every time he thinks of it The something reads as follows "We women admit that we are foolish, but God Almighty made us to match the men" Cruelty condensed could go no further

Corbin & Co, of New York, bankers, offer to take $50,000 of Dakota bonds at par.

COUNTY COMMISSIONERS

Proceedings of the Board at its January Session

OFFICE BOARD OF COUNTY COMMISSIONERS }
YANKTON D T, Feb 17th, 1879 }

Board met pursuant to adjournment

Present—Commissioners W B Valentine, chairman, Daniel Wilcox and Ole Sampson, also, E Miner, clerk

The license bond of Henry Wagner was on motion approved, and the clerk instructed to issue the license

The following resolution, was on motion adopted

Resolved, That any tax on personal property remaining on the tax books as unpaid against the estate of J B S Todd or Mrs J B S Todd for the years 1870, 1871 and 1872 be remitted, it appearing that a portion of the same was assessed twice, and the same having been once paid

Matter of petition of C J Rardin and others to locate highway taken up

Frank Fejfor and others appear and move the board to dismiss said petition upon the grounds following

That said petition is insufficient as the foundation to establish a legal highway, for the reason—

1st That it does not set forth the beginning or termination of the highway proposed

2d That the two specific descriptions in the petition purporting to be of the same highway differ materially at the several points, and each differs materially from the specific description in the notice of the petition

3d That said petition does not set forth the names of the owners and occupants or agents of the lands through which the proposed highway is to pass

4th That the plats annexed to and filed with said petition are unintelligible

The same parties at the same time move to set aside the report upon said petition of the viewers appointed to view the highway described in their report

1st Because the highway therein described as laid out and marked departs essentially from the several definite routes described in said petition and the notice thereof

2d That said report is void because it does not designate where it runs on the line between adjoining owners, how much of the land of each is taken, nor whether it is practicable to take half from the land of each

3d That said report is void because it does not specify the width of the highway laid out,

4th That said report does not show whether the highways on the section lines near the course of the highway laid out are impracticable

On motion the decision of the board on the above motions was reserved until Wednesday the 19th inst, at 10 o'clock a m

On motion the board adjourned to meet to morrow at 10 a m

Attest Approved
E MINER, W B VALENTINE,
Clerk Chairman

SECOND DAY

February 18th, 1879—Board met pursuant to adjournment,

Present—Commissioners W B Valentine chairman, Ole Sampson and Daniel Willcox, also E Miner, clerk

The board proceeded to appoint road supervisors for the different road districts in the county as follows

	DIST NO.	TOWN	RANGE
Peter Lund	1	93	54
Peter Lund	3&4	93	54
Myrbn Blodgett	2	93	54
Joseph Inch	2	93	54
John A Stafford	1	94	54
Simon P Peterson	2	94	54
Mathias Bagstad	3	94	54
Myron Blodgett	4	94	54
Ole Solen	1	95	54
Andrew Sangstad	2	95	54
Lars Lide,	3	95	54
Halso Sater	4	95	54
Halvor Henset	4	96	54
Henry Ahrend	1&4	93	55
Wm Leaning	2	93	55
Thomas Hickey	1	94	55
Henry Nieland	2	94	55
Thomas Frick	3	94	55
Andrew Simonson	4	94	55
John Noonan	1	95	55
Lars O Aanrud	2	95	55
Chas Fahrenwald	3	95	55
Andrew McKeachie "	4	95	55
N P Loberg -	1	96	55
Ole Lee	4	96	55
Jacob Brauch, below bluff	1&2	93	56
James Connell, above bluff	1&2	93	56
E G Wheeler	1&2	94	56
L Seeley	3	94	56
Henry Mowry	4	94	56
Ludwig Kitzman	1&4	95	56
Joseph Miller	2	95	56
John W Blackney	3	95	56
Lewis Pederson	1	96	56
Herman Ellerman	2&3	96	56
Peter Huber	4	96	56
Samuel B Hussey	1 3&4	93	57
J W Schneider	2	93	57
Thomas Lumpo	1	94	57
Joseph Wallack	2	94	57
Anton L Peiffer	3&4	94	57
Jacob Webber	1	95	57
Michael Goll	2	95	57
Jacob Koch	3	95	57
S W Howe	4	95	57
Andrew Straunne, north of Jim river	1&2	96	57
Christian Jasmann, south of Jim river	2&3	96	57
Ludwig Seiler, south of Jim river	1&4	96	57

The report of the county surveyor, with field notes of the meanders of the Missouri river, from Yankton to the line of Clay county, was, on motion, accepted by the board

The following bills were audited and allowed

Herman Edding care of sick pauper $56,00, allowed,	$9 00
L D Parmer carpet for court room	7 50
P O News Co stationery &c	15 95
Ole J Loamness board of pauper	25 60
O P Hage petit juror	1 00
Karl Bender house rent for pauper	12 90
Cutting & Cloudas oil for Co	3 50
Blatt & Buerdorf mdse for paupers	3 65
Reister B & Co " "	1 00
George Wagner work for Co	4 55
Frank Swanson jailors salary for Jan	50 00
O P Hage mdse for jail &c	5 15
Herman Hewer use of house for election	3 00
D F Etter coroners fees in case of Gottlieb Schoenfelden	11 10
S C Presba coroners juror	2 80
Frank Pitelka " "	3 80
Edward C Phelps	2 80
Wynn & Buckwalter mdse for Co	6 40
Ole J Loamness board of pauper	6 40
Chas Schonfelder witness fees coroners inquest	1 80
John Balentine witness fees coroners inquest	1 80
John Kaiser witness fees coroners inquest.	1 80
Charles Long board of pauper	24 75

ROAD FUND

E H Van Antwerp, meandering river and road	$48 60
A L Peiffer, services road supervisors	1 50
Henry Arend, work on road	9 00
Calhoon & English, making plans for bridges	9 50
Shannard & Wynn, lumber for bridges	35 10
Wynn & Buckwalter, nails, &c., for bridges	4 40
Daniel Willcox, services with road viewers and teams	6 00
Geo B Hoffman, road viewer	4 00
G A Torinus, " "	4 00
James A Haggin, work on road	9 00

On motion, the board adjourned to meet to morrow at 10 a m

Attest Approved
E MINER, W B VALENTINE,
Clerk Chairman

THIRD DAY

Feb 19th, 1879—Board met pursuant to adjournment

Present—Commissioners W B Valentine chairman, Ole Sampson, E D Wilcox, also E Miner clerk

The report of the viewers appointed to view the proposed highway asked for in the petition of Frank Fejfor, jr, and others was taken up and the same objections made thereto as to the report upon petition of Rardeu and others

On motion all further action on the petitions of Frank Fejfor, jr, and others and C J Rardin and others was deferred until the next meeting of the board

On motion the board adjourned to meet on Wednesday, the 19th day of March next at 11 o'clock a m

Attest Approved
L MINER, W B VALENTINE,
Clerk Chairman

GOLD GALORE.

Lake County Sparkles With Metalliferous Richness and Will Turn Its Grist Mills Into Quartz Mills

Dell Rapids Exponent 15

Great excitement has existed in the Sioux valley during the past few days over the reported discovery of extensive gold fields near Madison, the capital of Lake county, twenty miles northwest of Dell Rapids We clip from the Sioux Falls Times a correct report of all particulars regarding the 'find" that has come to hand up to date

Sioux Falls has been in a furor of excitement since Sunday last "Gold" has been and is, the topic of conversation This excitement and fever was caused by a piece of of gold quartz, of unsurpassed richness, being brought in this place from Lake county, on Saturday evening of last week The specimen weighs about an ounce, and for quality, old miners, and men of experience, pronounce it the richest specimen they have ever seen The old California miners men who have tried their hands in the gold fields of Colorado, those who have swung the pick for years in Montana, persons who have prospected in Wyoming, and the more modern Black Hiller, all agree that a richer piece of quartz than the Lake county specimen they never feasted their eyes on Of course, when the piece was brought in, the very idea of gold being discovered in this immediate section prompted everyone to cry 'bogus" or a 'plant' That the yellow substance which the specimen contained is pure gold has been proven from the fact that it withstood every test, and as for a 'plant," future developments will alone determine

The quartz was brought to this place by J H Hutchins, who drives on the stage line between Sioux Falls and Lake Madison He obtained the specimen from H N Luce, one of the most prominent citizens of Lake county, and gave an account of the discovery of the same on Mr Luce's land, but later returns from the 'gold fields" show that there was a mistake as to the locality Specimens of the quartz were kept on exhibition during the week, and as people began to realize that there was no humbug as to the richness of the same—the fact being that the quartz would run several thousand dollars to the ton—the excitement increased Young men, who have loafed about the burg all winter 'dead broke" entertained serious thoughts of pawning their chattels, investing the proceeds in a pick and shovel, and starting for the new El Dorado, many should ready to echo the cry "Herman or bust," and join in the stampede for the new fields, some regarded it as a 'big bonanza," and the thoughts of mercantile life in Sioux Falls compared with a rich claim up in Lake county, were indeed gloomy reflections, and they returned only to dream of "placer claims," hear the din and clang of the working "stamp mills," and imagined themselves "millionaires for ten days" a la Mark Twain

But the superior quality of the specimen, the circumstances in which they were found, the nearness of the "mine," interested many of our citizens, and some of the most sanguine determined to visit the supposed place where the quartz was found, interview the discoverer, and obtain such information as was possible. Last Monday a party consisting of T H Brown, John D Cameron, W H Davenport, and Messrs Winters and Summers, two Chicago gentlemen, started for Lake Madison It is needless to say their arrival was awaited with much anxiety

The prospectors returned on Wednesday, but the information which they obtained was meagre They visited Mr Luce, and on making inquiries in regard to the "find" he said that he had never reported that the quartz had been discovered by him He obtained the specimen from his neighbor, Mr Shepherd, the person who had found it The latter gentleman was found and questioned He stated that it was a fact that he had discovered gold bearing quartz in that section, but as to the paying quality he was unable to give any reliable information at present As to the exact place where the gold was obtained, that fact he did not propose to reveal "to any d—d Sioux Falls sharper" He had written to relatives in Wisconsin, and upon their arrival, and the "lion's share" of the bonanza had been obtained by himself and kin, he would make public the location of the vein He would not consent to obtain specimens for them until they had left the section, but gave them a small piece of quartz which he had with him, which proved, on comparing with the Hutchins specimen, to have been broken from the same piece However he agreed to send some specimens to Sioux Falls by to-morrow's stage The neighbors of Mr Shepherd state they regard him to be an upright and truthful man, and are confident that he has really found gold as he claims

Lakes Herman and Madison are located about forty miles northwest of Sioux Falls The section between the lakes is very broken, large bluffs, but cannot be called mountainous About these bluffs and ledges the Sioux Falls party prospected, but with very little satisfaction, as Tuesday's storm prevented them from making any extended explorations, yet they found quartz rock of the same quality that Hutchins brought down last Saturday

Wm Lee, an old resident of that section, says that a few years ago a man came through Madison with some very fine quartz specimens, which he said he had obtained on the Vermillion, sixteen miles further west. Had it not been for the storm the party from this place would have extended their trip to the Vermillion and made a thorough exploration of the bluffs about Herman and Madison As it was they were compelled to return, and some of the party are more sanguine of the prospects of the new gold fields than before

Last night a meeting was held for the purpose of organizing a mining company The company is composed of some of our most prominent citizens, several old and experienced miners being among the number This is a move in the right direction, and at an early date we may expect to learn of the exact character of this Lake county gold field

Numerous rumors in regard to the discovery, and the future development of the mines are afloat Report reaches here that a party passed through Dell Rapids on Wednesday en route for the field of attraction The party were well equipped for commencing active mining operations should the thing pan out as well as it is hoped

Considering the fact that several pieces of rich quartz have been obtained from the Herman district, that there are many here who stand ready to spend the time and money required for a more thorough investigation of the matter, it is fair to presume that the Lake county discovery is something more than an ordinary gold sensation.

LATEST BY MAIL.

Paris, Feb 17—One hundred and twenty communists arrived to day from New Caledonia

Washington, Feb 17—The Mexican excursionists passed through here this morning for Chicago

London, Feb 17—In the house of commons to night Sir Stafford Northcote declared that he was not aware of any intention to establish a royal residence in Ireland and appoint the duke of Connaught viceroy of that country

Rome, Feb 17—Cardinal Manning arch bishop of Westminister has had a long and cordial interview with the pope, who congratulated the cardinal on the progress of Catholicism in great Britian and discussed measures for its extension

Havanna, Feb 17—A commission is created to study and form a basis of commercial treaty for Cuba between Spain and the United States and Spain and Canada, a basis of the treaty to be submitted to the consideration of the home government

San Francisco, Feb 17—The Nevada assembly to day adopted a concurrent resolution urging the president to sign the anti-Chinese bill The California constitutional convention adopted like resolutions to day

Washington, Feb 17—In the Shanghai consulate case Mr Seward, through his counsel again declined to produce the books in his possession on professional grounds that no person shall be compelled in any criminal case to be a witness against himself

Lincoln, Feb 17—At the legislative caucuses to night, on the advisability of asking Governor Garber to call an extra session for the purpose of revising the tax law, a majority of the caucus voted for an extra session if necessary

WILL THERE BE AN INDIAN WAR?

New York Herald

Judging from our special correspondent's dispatch from Pine Ridge agency there is good ground for believing that the disaffected Cheyennes are endeavoring to join Sitting Bull's band These warlike Indians are well armed and mounted and carried abundance of ammunition and provisions The fact that there were no squaws shows clearly that this band is bent on mischief Our correspondent also states that the whites are thoroughly convinced that a war will break out in the spring, and he mentions the significant fact that the "quiet" Indians at the agency frequently put on war paint and mourn for the slaughtered Cheyennes People residing in the Indian country are very apt to magnify the movements and actions of the warriors, so it is not surprising to find them predicting war on an extensive scale Sometimes these 'signs do not turn out true, but the recent treatment of the heroic Cheyenne braves at Fort Robinson is calculated to inflame the breasts of red men and if they do go on the war-path it will not be surprising The Indian question was never so perplexing as at present, and we trust that the government will grapple with it in such a manner as to prevent further hostilities and convince the several tribes that peace is for them the best policy Now is the time for the ounce of prevention By and by it may need the pound of cure to bring the Indians to terms The first is the preferable course, for we have had enough of Indian slaughters and Custer massacres

Sioux Falls Pantagraph A singular coincidence has transpired here George Winter and Frank Sumner have come from Chicago, and will go into business together either here or somewhere in this section We spring to perpetrate the seasonable remark that Winter and Summer autumnake a good firm near the Falls Smart talk

According to Zach Chandler, Samuel J Tilden is the greatest fraud that ever was seen on earth

The newly made insane asylum law prohibits any more burials in the Catholic cemetry, which is located near the asylum

Easter Sunday comes on the 15th of April this year

Out of the rise in wheat our local buyers are lining their pockets with wealth

DON'T BE DECEIVED

Many persons say "I haven't got the Consumption" when asked to cure their Cough with Shiloh's Consumption Cure Do they not know that Coughs lead to Consumption and a remedy that will cure Consumption will certainly and surely cure a cough or any lung or throat trouble We know it will cure when all others fail and our faith in it is so positive that we will refund the price paid if you receive no benefit Is not this a fair proposition Price 10 cts, 50 cts, and $1 00 per bottle For lame Chest, Back or Side, use Shiloh's Porus Plaster Price 25 cts For sale by E M Coates

Why will you suffer with Dyspepsia and liver complaint, Constupation, and general debility when you can get at our store Shiloh's System Vitalizer which we sell on a positive guarantee to cure you Price 10 cts and 75 cts For sale by E M Coates

"HACKMETACK" a popular and fragrant perfume Sold by
E M COATES,
Yankton, D T

The Centaur Liniments are of two kinds The White is for the human family, the Yellow is for horses, sheep and other animals Testimonials of the effects produced by these remarkable Preparations are wrapped around every bottle, and may be procured of any druggist, or by mail from the Office of THE CENTAUR COMPANY, 46 Dey Street, New York City

The Turnverein masquerade at Stone's Hall will take place on the 24th inst Tickets $1 50, for sale at Schandein's or at the Germania House.

NEIGHBORHOOD NEWS

Brookfield dances on Friday night

Building is on the increase in Middleton

Drive wells are all the rage in Vermillion

Freedom, Turner county, has a new drug store

The village of Sioux Falls wants a public justice

The young men of Swan Lake are about to organize a literary society

Turner county base ballists play matched games of base ball in February

A man at Dell Rapids cut a cottonwood tree that made ten cords of wood

Grown people are afflicted with measles as well as children in Niobrara, Neb

The Elk Point Courier editor has got the mitten, according to his own confession

The school house at Dell Rapids was re seated with patent seats last Monday

The Methodists of Elk Point will give their minister a donation on Thursday evening

Flandreau is soon to have a large two story building to be used as a hardware store

Roscoe desires favorable mention for its energy, enterprise and general go ahead-ativeness

E H. Webb, formerly of Elk Point, has been appointed Indian agent at Fort Peck, Montana

There were nearly a hundred people attended the M E sociable at Dell Rapids last week

There is so much sickness in and around Dakota City, Neb, that many of the schools are closed

A new bridge across the Sioux river near McCook is being built by the Dakota Southern railroad

They do wood sawing in Vermillion with four horses, a threshing machine power and a circular saw

Two gentlemen from Evansville, Wis, have gone to Ponca, Neb, to establish a hardware store

The Dakota City orchestra give a grand ball on the evening of the 21st in the court house at that place

Fifteen converts have been made during the progress of a revival held in Centerville, Turner county

Mr Whipple, proprietor of the Paxton house at Niobrara, Neb, got lost on the prairie a few nights ago

John Brennan, of Sioux City, delivered a temperance lecture in Dakota City, Neb, on Tuesday evening last

Sioux Falls has a praying band We bespeak their best efforts for the member of the council from that place

R N Nichols a former liveryman here now east of Roscoe, was a victim to a surprise party one evening last week

E C Kimberly, senior editor of the Sioux Falls Times, has gone to Wisconsin to be treated for rheumatism

Report says that at least fifty new building will go up in Niobrara, Nebraska, this spring Hurrah for Niobrara

The Bohemian theatrical troupe are giving great satisfaction by the fine manner in which they render their dramas

The proceeds of a festival given at Elk Point for the benefit of the M E church, last Friday evening, amounted to $48

Hon Woods Boyd, of Niobrara, Neb, has written a farce to be played by the Bohemian theatrical company at that place

The Roscoe Express is a prosperous, lively journal It puts in its last appearance with over twelve columns of advertisements

J S Talcott, who was postmaster of Elk Point for six years has removed to Onawa, Iowa, where he will engage in the drug business

John Montgomery, of Elk Point, has moved to Gothland, north of that place, where he will engage in the grocery and dry goods business

"Box, Cox and Mrs Bonnar," were the leading characters in the drama given by the Swan Lake dramatic troupe at that place on Tuesday evening

Mr Roloff Anderson, of Dell Rapids, was the victim of a serious runaway one day last week, having an arm broken, terrible gashes on his head and other injuries

Farmers in Knox county are waiting for navigation to open They are holding large supplies of grain, and other produce, that they are becoming anxious to dispose of

G E Culver, principal of the city schools at Vermillion, has been called to the sick bed of his father, who lives in Wisconsin Mrs Culver has charge of the schools during his absence

The ladies at Niobrara, are wearing calico dresses to the social dancing parties, because the gentlemens' feet are so large that they are liable to take out a square yard of cloth at every leap So intimates the Pioneer

Sioux City Journal Our venerable townsman, Col Orr, was recently re married to the wife from whom he was devorced some dozen years ago The ceremony took place at Covington, Ky, the home of the lady

The Elk Point Courier says that many of their people would be christians, if it were not for the valentines they receive every year The caricatures being so hideous, they forget in two minutes, all they have learned in Sunday school for many years

A young man from Sioux Falls, got in a terrible dilemma in Elk Point a few days ago. He had to have his boots mended, but having no money to pay for them he left his pants for security As soon as possible he left town, and now the shoemaker offers a pair of pants for sale at a bargain.

New Advertisements.

"FRUIT OF THE GODS."
(OTOSY ROS KAKD THE FAIR PERSIMMON
We offer eight varieties of this most remarkable new fruit imported direct from Japan Provincial Apples Sharpless Seedling Strawberry Gregg Raspberry Complete assortment of Fruit Ornamental Trees and Shrubs Roses Flower and Plant Novelties Send for new catalogue
PARRY & TUTTLE Agents
Bloomington Nursery, Bloomington Ill

$7 A DAY to Agents everywhere for the Fireside Visitor Terms and Outfit Free Address P O VICKERY, Augusta Maine

30 Fancy Cards Chromo Snowflake &c no2 alike with name 10cts P Minkler & Co, Nassau, N Y

$777 a Month and expenses guaranteed to Agents Outfit free. SHAW & Co, AUGUSTA, MAINE

TT ADVERTISERS—Send for our Select List of Local Newspapers Sent free on application Address GEO P ROWELL & CO 10 Spruce St, N Y

Statement of the Condition
OF THE
United States Branch
—OF THE—
Liverpool and London and Globe
Insurance Company
On the 31st day of December, 1878

The name of the company is Liverpool Insurance Company
It is located in New York City
The amount of its capital stock is $10,000,000 00
The amount of its capital stock paid up is $1, 228,500 00

THE ASSETS OF THE COMPANY ARE AS FOLLOWS

Cash on hand and in the hands of agents or other persons and banks	$388 147 87
Real Estate unincumbered	630 709 00
Stocks and bonds owned by the company, market value	1 810,857 50
Loans on bond and mortgage being first lien on unincumbered real estate	1,216 710 33
Bills receivable	4 382 96
Debts otherwise secured interest accrued and loans and stock	32 992 06
Debts for premiums in course of collection	339,050 65
All other securities, loans on life policies	5,800 69
Total assets	$4,301,897 06

LIABILITIES

Unearned premiums	1,617,151 25
Losses adjusted and due and resisted	
Losses adjusted and not due	$ 308,784 13
Amount reclaimable	311,184 60
Net premiums	115,773 87
All other claims against the company, commissions, &c	79 632 01
Total liabilities	$2,430 505 86

STATE OF ILLINOIS, }
County of Cook, }
William Warren Resident Secretary of the Liverpool and London and Globe insurance company, being duly sworn deposes and says that the foregoing is a full, true and correct statement of the affairs of said company on the 31st of December 1878 and the above described officer of said insurance company
WILLIAM WARREN,
Resident Secretary
Subscribed and sworn before me, this 29th day of January, 1879
[Seal] SIDEON W KING
Commissioner to Dakota

AUDITOR'S OFFICE }
Yankton D T, Feb 24th, 1879 }
I, John S Sand, Auditor of the Territory of Dakota do hereby certify that the above and foregoing is a true and correct copy of the statement of the condition of the U S Branch of the Liverpool and London and Globe Insurance Company of London on the 31st day of December 1878 as filed in this office
[Seal] JOHN S SAND, Auditor
By L M PURDY, Deputy

THE TERRITORY OF DAKOTA }
Auditor's Office }
Whereas, The U S Branch of the Liverpool and London and Globe Insurance Company located in the city of New York and state of New York, has filed in this office a sworn statement of its condition on the 31st day of December A D 1878 in accordance with the provisions of an act of the legislative assembly of the Territory of Dakota relating to insurance companies, approved February 10th 1877 and
Whereas On examination of the sworn statement of said company filed in this office I find that the said insurance company is possessed of the necessary amount of capital invested as required by law
Therefore, I John S Sand Auditor of Dakota Territory do hereby certify that said insurance company is duly authorized to transact the business of Fire Insurance in said territory, for the year ending December 31st, 1879 by agents properly appointed
GEO W ROBERTS Agent
Yankton
In testimony whereof I have hereunto set my hand and seal, this 5th day of February, A D 1879
[Seal] JOHN S SAND Auditor
By L M PURDY, Deputy
GEO W

Press and Dakotaian

—ESTABLISHED 1861—

WEEKLY EDITION.

Subscription Price, . . $2 per year

ADDRESS

BOWEN & KINGSBURY

YANKTON, - - DAKOTA

Thursday, February 27, 1879

All departments at Washington will be closed to morrow, because it will be Washington's birthday

The Yankton correspondent of the Sioux City Journal has a queer way of spelling Mr Trygstad's name, or else no compositor misrepresents him

The senate committee on transportation routes to the seaboard has made a favorable report on the application of James H Eades and his associates for relief under the jetty

The member of the house from Bon Homme county, Mr Stephens, in reply to what he deems a charge against him in a communication in yesterday's issue from "Poor Parent," desires us to say that he voted to retain the general tax in the school law, and is strongly in favor of it The particular portion of the article to which Mr Stephens excepts, reads as follows

"If Bon Homme and Clay employ representatives, two hundred years behind their age, let Bon Homme and Clay fork out their four dollars per day"

Our interpretation of the meaning of this clause is that "Poor Parent" employed it as an illustration, without intending it as a personal reference to any members of the present legislature No man can truthfully accuse Mr Stephens of being even a small number of years behind the times He belongs to the progressive class of young Dakotians who are alive to the necessities of the present, and are ever ready to endorse that which promises the greatest good to the greatest number

NORTHERN DAKOTA ITEMS

I J Brooks and bride have returned to Fargo

Severe storms and cold weather prevail in the north

Work on the new bank building at Fargo has been commenced

The best of firewood is plentiful at Pembina at $2 50 to $3 00 per cord

A new shoe shop and a new harness shop, are at Fargo will soon possess

Eight locomotives and four trains stopped at Jamestown one day last week

The Fargo Times is receiving orders for their special edition from all over the country

Dr D E Lane, of Racine, Wis, a homeopathic physician has located at Fargo

The Fargo Republican has been placed on the list of official newspapers for the war department

A lodge of the A O U W under the jurisdiction of the supreme lodge, is almost sure of being established at Fargo

There will be a joint stock company organized at Emerson, with a capital of $100,000, to erect a steam grain elevator

President Walsh, of the council has the reputation of "not being easily put out on points of order" according to the northern papers.

The Jamestown Alert contains an interesting communication, every week, from its Yankton

W M Williams and family, of Oak Creek, Wis, together with several other families from that locality, will settle in Cass county in the spring

Jamestown Alert, 13th The first construction engine crossed the ice bridge on the Missouri river yesterday, for the extension of the Northern Pacific, west the Missouri

Joseph Nelson the oldest mason in Minnesota, has been in Fargo He was born in England, is eighty-five years old, has lived in the United States fifty-three years and attained the thirty second degree in masonry.

Fargo Times A certain young gentleman of this town is remarkably devoted to a certain young lady. The latest evidence of his undying affection is in going with her to a dentist and having a double tooth pulled and giving it to her as a keepsake

Fargo Times Track-laying across the ice on the Missouri river at Bismarck was Tuesday afternoon. F Jay Haynes, our photographer, took a picture of the train as it was crossing the river The track starts from the Bismarck side a short distance below the steamboat landing, and runs northwest across the Missouri to the mouth of the Heart river, a distance of nearly three miles, to the new town of Mandan

Fargo Independent A W Graves has a cured the working models of an invention in which he is interested The patent is granted on a very simple and serviceable device for instantly detaching a fractious or runaway team or single horse from any vehicle to which they or it might be attached This detaching can be done by the occupant of the conveyance, without dismounting, and in less than a second of time The animal freed from the vehicle and all the harness attachings are unfastened by one operation thus insuring perfect safety to the drivers of vicious or timid animals

The Morristown, Minnesota, Messenger, sets it up for Fargo after this style Eight years ago Fargo, D T, was a "howling wilderness" Now it has a population of some 2,500, nine general merchandise stores, three hardware stores, four agricultural implement depots, four drug stores, two jewelry stores, two furniture dealers, three lumber yards, five livery stables, three butcher shops, nine hotels, three newspapers, twenty six lawyers, eight physicians, and six insurance offices It is the capital of Cass county—a county which last fall marketed over a million bushels of the best wheat that ever found its way into a hopper

A WAR PATY DISCOVERED

Capt Dougherty, agent at Crow Creek, in a official communication to Gen Sheridan reports the discovery of a war party of red-skins by some teamsters who had been moving the equipments belonging to Captain Brotha's company. The teamsters, upon their return to Crow Creek, reported that when about eighty miles from Pine Ridge agency they were surrounded by seventy or eighty mounted Indians, who, after a little maneuvering, closed in about them without firing a shot The teamsters, being without arms of any descriptions, offered no resistance, and were not molested The Indians took their provisions, a quantity of clothing, and some other articles, and left in exchange for them $7 in money and a silver watch Two of the Indians spoke the Sioux tongue Two Sioux half breeds who were traveling with the teamsters entered in a conversation with the other Indians, and learned from them that the party were heading for the British possessions They did not have either women, children or travois with them The party were armed with Winchester and Sharp's rifles, and had a large supply of ammunition. The teamsters reported to the Indian agent that they had seen a large number of stray cattle between Pine Ridge and the White river, and the Indians had a supply of beef.

INDIAN OUTRAGES.

Two Men Killed Near the Cheyenne Crossing on the Pierre Route.

Frank Hannan and a Man Named Brady the Victims

The following letters another Indian outrage on the plains by which two well known stage drivers were killed

FORT PIERRE SIMON GAMBLE

Fort Pierre, Feb 17th, 1879 —S P Gamble—Friend enclosed you will find a letter sent me from the Cheyenne Crossing It is a sad affair and a big loss to me Frank's request was to have his body taken home I will bring it here and hold it subject to his sister's orders The Indians are thick along the road yet H F JONES

THE CHEYENNE CROSSING LETTER

Cheyenne Crossing, February 13th, 1879 —Hank Jones Esq —Your teams arrived here last evening, and started this morning, but only got as far as the canon, when the Indians jumped them, killing Brady and badly wounding Frank Hannan They succeeded in getting away with all of your horses and mules excepting two, the light and dark sorrel They are now at the ranch Frank is here Are doing all we can for his comfort, but I fear he will never get well, as the ball is in his groin Will go and bring in the wagons to morrow The grain is scattered pretty badly, the sacks being cut Will bury Brady to-morrow. Have written to Fort Mead for assistance in trying to recover the stock There are so many of the red devils about that the boys wont venture out until to morrow, when they will go to Pinos Springs and then to Rapid You had better come up at once and attend to the matter, or else let us know what is to be done

THOS MADDEN,
By W E Smith

The Indians drove the stock northward and it is supposed they are Cheyenne Indians I think you should make known the facts up there before starting up

T M

FROM OUR CORRESPONDENT

Fort Pierre D T, Feb 17th 1879 —*Press & Dakotaian*—The mail due here on the 14th inst from Rapid City did not arrive until the day following having been delayed on account of storm and the Indians On Thursday forenoon the 13th inst, two men, each with four horse teams, belonging to Hank Jones, the mail contractor, loaded principally with grain for Rapid City when about a mile and a half from the Cheyenne crossing were fired upon by the Indians One Brady, an old stage driver along the river, and well known, was instantly killed and Frank Hannan, driving the other team mortally wounded, and died the next day During the affray two of the lead horses broke loose and ran back to Madden's ranch where they were secured. Some parties at the ranch seeing the horses come in started to ascertain the difficulty and saw the Indians ripping open the sacks of corn and emptying it out on the ground The parties were driven back to the ranch The mail carrier from Rapid arrived a few moments after the affair and saw the Indians with their prize of six mules They also gave the carrier a chase but he distanced them and made the ranch in safety Brady's clothes had been set on fire and burnt to a crisp Five Indians are reported to have been seen, but presume there were more on the back ground Wood were at once dispatched to Mr Jones and he arrived here this morning, but hearing both of the men have been buried has concluded not to go out

OLD MAN EAGLE INTERVIEWED

We stated yesterday that George Crager had a suspicion that one of the Indian squad in town was a Cheyenne Crager is familiar with the various dialects of the plains and upon discovering that this particular Indian did not speak Sioux he sought an interview with him Their talk, or rather the Indian's answers, ran as follows

My name is "Old Man Eagle" I am a Cheyenne Indian, and left Red Cloud agency three years ago and have been to Spotted Tail and Yankton agencies I am no fighting man, but like the whites They are my friends I have no bad heart You see I am very poor and would like to have something to eat and some white men's clothes I have my squaw with me, she is a good woman

I heard all about the fight my people have had with the soldiers at Fort Robinson, but I think the soldiers were wrong and that soldier chief is a bad man (meaning Capt H W. Wessells, Jr, 3d cavalry) and he will be sorry for what he has done do not want you to tell this to anyone

THE RUSSIAN PLAGUE

New York, February 22 —A letter from St Petersburg says of the plague in Russia It has spread in the south provinces at a rapid rate Thousands upon thousands have died with it within the last five days The victims when taken live only about two hours and turn black all over as negroes

All people ordered to the care of the sick have died within 24 hours after their arrival Corpses are burned and so are all the houses in which people die Whole towns have been laid waste within the past few days The government has placed a cordon of soldiers around the infected provinces so the people cannot get out and spread the disease Any who attempt to break through the cordon are shot dead on the spot People are beginning to feel uneasy all over the empire

The government of course does not allow the news to get out All reports are suppressed, but the worst of all is, nobody can get out of the empire

The Austrian and German governments have placed a double cordon of soldiers along all the frontiers, preventing all persons from crossing their territory from Russia All persons from Russia are stopped at the frontier and detained twenty days in quarantine, their baggage and clothing disinfected, and if they prove all right after a lapse of 20 days they are permitted to cross the border During the 20 days quarantine the people are housed in large sheds and barns, without any accommodations or comforts Of course a knowledge of this fact keeps people from traveling there is no possibility of slipping out anywhere.

The government is doing all in its power to prevent the disease from spreading, but if it is not staved soon, their victims may fall by thousands daily It is much worse than the yellow fever was at the south last summer

A CARD

To all who are suffering from the errors and indiscretions of youth, nervous weakness, early decay, loss of manhood, &c., I will send a recipe that will cure you, FREE OF CHARGE This great remedy was discovered by a missionary in South America Send a self addressed envelope to the REV JOSEPH T INMAN, *Station D, Bible House, New York City*

PRETTY MOUTHS

Should have pretty teeth in them, but it is not unusual to see between rosy lips, teeth discolored and decayed through neglect This disfiguring defect should be repaired without delay, by using fragrant SOZODONT which removes every particle of tartar from the teeth and renders them snowy white This admirable aid to beauty is perfectly harmless and exhales a most delightful aroma, and is in every respect preferable to the ordinary tooth pastes and powders Try it and see for yourself

Chew Jackson's best Sweet Navy Tobacco

DAKOTA LEGISLATURE.

Proceedings of the Thirteenth Session

COUNCIL—39TH DAY

GENERAL COMMENTS

Brown's consolidation bill passed the council to day, and now goes to the governor for his action. Its provisions were unchanged from the shape in which they were placed by the house The bill permits the people of Hanson and Davison counties to vote upon the proposition for consolidation, and prohibits the people of Armstrong and Hutchinson counties from so voting, making the consolidation of the last two counties mandatory People may wonder how so inconsistent a bill has passed the legislature If the history of the scheming and wire pulling which has characterized the progress of this measure could be laid bare it would reveal the secret of its final success Brown has given away everything else that he might fasten upon a portion of his constituency an obnoxious measure in the very teeth of their earnest protests, and the legislature of Dakota has aided his iniquitous scheme He feels to day puffed up and proud of his great victory over right and justice, but the certain day of reckoning will come to this mistaken "statesman," when the heat of the contest has cooled and an outraged people sit in righteous judgment upon his forty days' work We have no further strictures to make upon this wonder fully inconsistent enactment It is the achievement of a man who has made him self the willing tool of more able schemer that he might carry out his designs against the people of Armstrong county A fund is being raised to contest the law (should it become such) in the courts of the territory, and the end is not yet

Friday, February 21 —Council met at 10 o'clock, a m, and was called to order by the president

Prayer by the chaplain

Roll called, members all present

The minutes of yesterday's session were read and approved

REPORTS OF COMMITTEES

Mr Ellis, from the committee on counties, reported back house file No 53, being Brown's county bill, without recommendation, which report represented the majority of the committee, Mr Ellis stating that as the minority of the committee he was in favor of having the question submitted to a vote of the people

Mr Kuykendall, from the committee on mines and mining reported house file 105, without recommendation

Mr Roberts, of the judiciary committee, reported back a large number of bills which had been referred to that committee

Mr Valentine, from the joint committee on enrollment, reported that he had presented to the governor a number of bills which had passed the house

Mr MacNider reported a large number of bills as correctly enrolled

Mr Cuppett reported house file 51 with amendments and recommended its passage

INTRODUCTION OF BILLS

Mr Day asked and obtained leave to introduce a bill to amend section 3 of chapter 39 of the political code The bill provides an annual salary for the territorial treasury of $600 and $50 a year for office rent and incidentals

The bill was amended so as to include the territorial auditor, giving to him the same salary

After a great many motions tending to defeat the bill had been made and lost, the roll was called upon its passage, and it was lost by a vote of ayes 6, noes 7

Mr Wynn, by consent, introduced a bill to amend section 15 of chapter 39 of the political code, fixing the salary of probate judges in counties having over 5,000 inhabitants at $600 a year, which was read a first time

MESSAGE FROM THE HOUSE

A message announced the passage by the house of certain bills

MESSAGE FROM THE GOVERNOR

The governor sent in a message announcing his approval of the following council bills

No 52—Providing a board of education for the village of Sioux Falls

No 58—Authorizing the appointment of a fire warden in the town of Deadwood

No 65—For the relief of Lawrence county

No 93—Providing a board of education for the city of Fargo

No 86—Amending the act incorporating the city of Bismarck

No 106—Providing the amount of time for which the assistant clerks of the council and house shall be paid

THIRD READING OF BILLS

Council bill 102, providing for a general term of the district court in Lincoln county postponed, on the ground that the provisions of the bill are incorporated in a general measure

Council bill 103 increasing the compensation of county treasurers Passed

Council bill 119 to amend section 5 of chapter 17 of the political code Passed

Council bill 120—To amend section 413 of the civil code, relating to the personal responsibility of stockholders in public corporations Passed

MESSAGE FROM THE HOUSE

A message informed the council of the passage by the house of house file 105, fixing the county seat of Turner county, and concurrence in council amendments to house files 61, 73 and 81

SPECIAL ORDER

House file No 67, providing for the changing, continuing and discontinuing of public highways, having been made a special order at 11 o'clock was taken up, and after some discussion, indefinitely postponed

HOUSE BILLS

No 29—To restore to the code the provision prohibiting Sunday travel was indefinitely postponed

No 84—Authorizing certain counties in northwestern Dakota to issue bonds for railroad purposes, referred to the committee on railroads

No 88—To allow the commissioners of Yankton to fund warrants excluded under the former funding law Passed

No 90—Providing compensation for attorneys in certain cases, referred to the committee on finance and expenditures

No 83—To attach the county of Kingsbury for election purposes, to the committee on counties

No 95—To amend 647 of the civil code, to the judiciary committee.

No 100—To re establish the boundaries of Hamlin county, to the committee on counties

No 102—To fund the outstanding indebtedness of Pennington and Custer counties, to the judiciary committee

No 105—Locating the county seat of Turner county, referred to the members of the council from Lincoln and Turner counties

THIRD READING OF BILLS

House file No 10—Providing for terms of the supreme court, came up for its third reading

Mr Kuykendall moved as an amendment that one term of the supreme court shall be held annually at Deadwood, which amendment was adopted—ayes 7, noes 6

The bill then passed by the same vote by which the amendment was adopted

House file 51—A bill for an act to regulate the sale of intoxicating liquors

Mr Wynn moved to make the "special order of the day at 11 o'clock on Monday next" which was amended by Mr. Cuppett making it the special order at 2 o'clock this afternoon The amendment and original motion were lost

On motion of Mr Roberts, the amendments proposed by the committee of the council to which it had been referred, were adopted

The bill was then read a third time at length

Mr Day spoke against the bill and asked leave to offer an amendment making the maximum license $500 instead of $1 000, but objections were made, and the amendment was ruled out

Mr Kuykendall moved to recommit the bill to the committee on finance and expenditures, which motion was lost

On motion of Mr Pettigrew, the further consideration of the bill was made a special order in committee of the whole, at 2½ o'clock this afternoon

MESSAGE FROM THE HOUSE

A message from the house announced the passage of council bills 98, providing for the sale of unclaimed property, 114, amending section 703 of chapter 56 of the penal code, 124, relating to toll roads, 124, fixing the jurisdiction of justices of the peace in the town of Grand Forks, 116, amending the law establishing the insane hospital, also, the passage of council bill 118, providing for the education of deaf, dumb and blind persons with amendments.

On motion of Mr Edmunds, the amendments to council bill 118 were concurred in

THIRD READING RESUMED

House file No 55, being the bill to consolidate certain Jim river counties, came up for its third reading

Mr Edmunds moved to adopt the minority report of the committee on counties, recommending that the question be submitted to a vote of the people.

Which motion was lost—ayes 5, noes 8

A motion by Mr Day to make the bill a special order at 3 o'clock this afternoon, was lost by the same vote

The rules were then suspended, the bill read a third time, and passed by the following vote

Ayes—Messrs Cuppett, Kuykendall, MacNider, Pettigrew, Roberts, Rohr, Valentine and Mr President—8 Noes—Messrs Day, Edmunds, Ellis, Miner and Wynn—5

House file No 97, relating to the subdivision of judicial districts, was laid over until this afternoon

A BILL

Mr Pettigrew wanted to introduce a bill to amend chapter 39 of the political code, but objections were made and the bill didn't see the light

RECESS

At one o'clock p m the council took a recess until 2½ o'clock p m.

AFTER RECESS

The council met at 2½ o'clock p m, and was called to order by the president

MESSAGE FROM THE HOUSE

A message announced the passage by the house of council bill No 99, incorporating the city of Sheridan, with an amendment changing the name to Gray City

On motion of Mr MacNider the amendment of the house was amended by striking out "Gray City" and inserting "Mandan"

The council was also informed that the house had passed the following resolution

Resolved, By the house the council concurring, that a joint committee of three members of the house and two members of the council, to be appointed by the speaker of the house and president of the council to report a deficiency appropriation bill

On motion, the resolution was concurred in, and Messrs Pettigrew and Miner were appointed as the council members of the committee contemplated by the resolution

COMMITTEE OF THE WHOLE

The council then went into committee of the whole, Mr Cuppett in the chair, on house file No 51 regulating the sale of intoxicating liquors

It was voted to read and act upon the bill by sections

Mr Wynn moved to strike out in section one the words five gallons and insert one pint Lost

A motion by Mr Pettigrew to reduce the quantity to one gallon shared the same fate

On motion of Mr Roberts, the minimum of the license allowed to be charged by a county was $200

Mr Day moved to make the maximum license $500 instead of $1,000

Mr Miner commenced to make a speech against the general provisions of the bill, and after having got under way was called to order

Mr Miner said if anybody knew the story better than he did they might tell it, and took his seat

The amendment proposed by Mr Day was then adopted

[The conclusion of the afternoon proceedings will be given to-morrow]

Mr Kuykendall moved to amend section eleven, by making the penalty for the violation of the law not less than $25 nor more than $100 so as to bring the enforcement of the act within the jurisdiction of justices of the peace The amendment was adopted

The term of imprisonment provided in the same section was on motion of Mr Miner, reduced from sixty to thirty days

The other sections of the bill were changed to conform to the foregoing amendments

Mr Day moved to amend by exempting malt liquors from the provisions of the bill But the proposition was voted down

After concluding the consideration of the bill, on motion of Mr Pettigrew the committee rose, reported the bill back and recommended its passage as amended

The committee report was adopted, and the bill put upon its passage The ayes and noes being called those who voted in the affirmative were Messrs Cuppett, Edmunds, Ellis, Miner, MacNider, Pettigrew, Roberts, Rohr and Valentine—9

Noes—Messrs Day, Kuykendall, Wynn and Mr President—4

So the bill passed and its title was agreed to

TRYING TO GET IN A BILL

Mr Pettigrew asked leave to introduce a bill to fix the compensation of the territorial treasurer at $600 a year and the auditor at $500 a year

Mr Miner objected

Mr Pettigrew then moved to expunge the resolution forbidding the introduction of bills without unanimous consent after a certain date, but the motion failed, only two —Day and Pettigrew—voting in favor of such action

MESSAGE FROM THE HOUSE

A message announced concurrence by the house in council bill 129, defining the boundaries and fixing terms of court in the second judicial district

PASSAGE OF BILLS

The house bill authorizing Pennington and Custer counties to fund their outstanding indebtedness was taken up and passed

Council bill No 117, to incorporate the village of Valley Springs Passed

House file No 95, to amend section 647 of the civil code Passed

House file No 66, fixing the salaries of district attorneys at $1,200, amended by the judiciary committee making the salary $1,000, was passed as amended

House file No 92, providing for the refunding of the indebtedness of Hutchinson county, was taken up and recommitted to judiciary committee

House file No 97, in relation to subdivisions in the second judicial district, was taken up, several amendments made and adopted and the bill passed

MESSAGE FROM THE HOUSE

A message informed the council that the house had refused to concur in council amendments to house file 10, to amend chapter 10 of the political code, also refused to concur in changing the name of Gray City to Mandan, also that the house appointed as the house members of the joint committee to report a deficiency appropriation bill, Messrs Fockler, Whitfield and Cross

On motion of Mr Roberts, the council receded from its amendment to house file 10 The amendment receded from provided for a term of the supreme court of Deadwood

Council bill 99, in regard to the city of Sheridan-Gray-Mandan was recommitted to the committee on counties

Another message from the house announced the passage of council bill 71, making appropriations for the insane asylum and penitentiary, and council bill No 103, fixing the compensation of county commissioners

REPORT OF A COMMITTEE

Mr Ellis, from the committee on counties, reported house file 93, to attach the county of Kingsbury to the 8th legislative district for election purposes Passed

ANOTHER FAILURE

Mr Pettigrew again attempted to introduce a bill to fix the compensation of the territorial treasurer and auditor, but again ran against a snag in the shape of an objection

A NOTICE TO RECONSIDER

Mr Wynn moved to reconsider the vote by which council bill 130, in regard to the salary of treasurer and auditor was lost this morning, which motion was seconded, but before the motion was put Mr Wynn withdrew the motion

The seconder of the motion refused to sanction the withdrawal, and several members claimed that the motion was the property of the house and demanded a vote upon it

Mr Miner moved to adjourn, and the chair decided the motion carried, from which decision an appeal was taken, and the motion to adjourn again put and again decided carried, when the ayes and noes were called and the motion to adjourn was lost by ayes 6, noes 7

The motion to reconsider the vote of bill No 130 was then put and carried, and the bill was thus again brought before the council

ADJOURNMENT

Without consideration the resurrected bill, the council adjourned until to morrow morning at 10 o'clock

HOUSE—39TH DAY.

The house convened pursuant to adjournment at ten o'clock a m

Mr Speaker in the chair

Prayer by the chaplain, Rev J P Coffman

Roll call showed all members in their seats except Messrs Burbank, Gamble, Sholy Walton and Whitfield

The journal of yesterday's session was read and approved

A MESSAGE FROM THE COUNCIL

was received transmitting council bills 104 to legalize certain acts of the territorial treasurer, 120 to reimburse the counties for the care and custody of the insane, 123 to amend sections 90, 91 and 92 of the justices code, 124 in relation to toll roads, and 125, relating to the jurisdiction of justices of the peace in certain towns all of which had passed that body

Also returning house files 61, authorizing the purchase and distribution of 100 volumes of the supreme court reports, and 73, to amend section 664, of the code of criminal procedure, which had passed, with amendments, and house file 135, to amend section 26, of the code of criminal procedure, which had been passed unchanged

REPORTS OF COMMITTEES

The committee to which was referred house file 45, reported it back and recommended its indefinitely postponed

The enrollment committee reported house files 69, 54, 68, 26 and 80 as correctly enrolled

The committee on council bill 116 recommended its passage without amendment

The committee on house file 103 reported the same back without amendment and recommended that it pass

The committee on immigration were granted further time to report on bills in their hands

The special committee on council bill 97, reported the same back with amendments and recommended its passage

NO OUTSIDER'S CHIN WANTED

Mr Gray offered a resolution that no member be allowed to speak more than twice on the same subject, or more than fifteen minutes at any one time Mr Whitfield offered an amendment that no person who is not a member of this house be allowed to speak upon this floor The resolution was adopted

BY UNANIMOUS CONSENT

A bill was here introduced —house file 105—to the effect that when the people of Turner county want to change the location of their county seat, they can do so by voting for it The rules were suspended and the bill passed

A MESSAGE FROM THE GOVERNOR

was received announcing his approval of house files 7, 34, 48 55, 59 and 43

CONSIDERATION OF COUNCIL MESSAGES

On motion the council amendments to house file 61 and 73 were concurred in

THE SPEAKER HAS SIGNED

house files, 80, 26, 54 68 and 96 and council bills 67, 66, 64, 74, 28, 84, 85, 87, 88, 91 and 97

FIRST READING OF COUNCIL BILLS

The following bills were read the first and second times on suspension of the rules

Council bill No 101, to amend section 6 of chapter 21 of the political code

Council bill No 107, amending the act incorporating the village of Sioux Falls Referred to the delegation from Minnehaha county

Council bill No 108, to amend section 54 of chapter 29 of the political code, of 1877 Referred to the judiciary committee

Council bill No 114, to amend section 803, chapter 56, of the penal code The rules were suspended, the bill read a third time and passed

Council bill No 115, to amend section 138, chapter 7, title 4, of the code of criminal procedure Referred to the judiciary committee

Council bill No 119, to provide for the education of deaf, dumb and blind persons Rules suspended, and bill passed with an amendment

Council bill 124, relating to toll roads Rules suspended and the bill passed

Council bill No 125, fixing the jurisdiction of justices of the peace in Grand Forks county Rules suspended bill read a third time and passed

Council bill 152—To amend sections 90, 91 and 92, justices code Referred to the judiciary committee

Council bill 110(substitute)—To reimburse counties for expenses in caring for insane persons Referred to the committee on charitable institutions

Council bill 104—Legalizing the acts of the territorial treasurer in paying 10 per cent interest. Referred to the judiciary committee

SECOND READING OF COUNCIL BILLS

Council bill 98—Providing for the sale of unclaimed property by common carriers innkeepers, warehousemen, &c Rules suspended, bill read third time and passed

Council bill 103—Relating to the compensation of county commissioners Referred to the committee on territorial affairs

Council bill 94—Providing for the care of the territorial library Referred to the judiciary committee

Council bill 100—Amending sub division 2 section 5, political code of 1877 Referred to committee on education

BY PERMISSION,

The speaker then read a communication from R J Simonsen of Lodi, asking for a time to be set, when himself and witnesses might come before the house and explain the circumstances in regard to his deficiency. House file 31, the bill for his relief was then reported from a committee with the recommendation that it be indefinitely postponed After debate the report was adopted

Mr Gamble then introduced a bill by permission, to amend section 413, code of civil procedure

THIRD READING OF COUNCIL BILLS

Council bill 116—One of the insane hospital bills Reported from the committee with the recommendation that it pass without amendment Report adopted, and the bill passed

Council bill 99—To incorporate the village of Sheridan Reported from the Burleigh county delegation with an amendment that the name be changed to St Marys

Mr Gamble moved an amendment that the name be Gray's City This amendment he next amended in turn, changing the name to Graybeck

The amendment was then adopted

Mr Gray, who knew what would follow, moved a reconsideration, which was adopted The blushing gentleman then punched up Mr Gamble to start the ball, and amid much enthusiasm the bill was passed with the good name of Gray's City sticking out all over it

A COUNCIL MESSAGE

was received transmitting council bills 105, to increase the salaries of county treasurers, 119 amending section 55, chapter 15, political code, 120, amending section 413, code of civil procedure, and 129, establishing the boundaries of the second judicial district, and fixing the times of court there in, all of which had passed that body

Also returning house file 88, relating to Yankton county's indebtedness which had passed unchanged

RECESS

The house then took a recess until two o'clock

AFTER RECESS

The house met again at two o'clock

Mr Fockler by permission, introduced a joint resolution, that a committee of three from the house, and two from the council, be appointed, to report to the house the deficiency appropriation bill as soon as expedient Resolution adopted

On motion of Mr Gray, the certificates and signatures attached to house file 2 were read

THIRD READING OF COUNCIL BILLS

Council bill 56—For the establishment of a public school law for the territory, reported from the committee on education, with amendments, and a recommendation that it pass Report of the committee adopted, and the bill passed

COMMITTEE REPORTS

The committee on council bill 127 reported the same back, and recommended that it pass without amendment

Council bill No 7, the Sioux Falls incorporation bill, was recommended for passage with amendment

THE RULES WERE SUSPENDED

and council bill 129, regarding the boundaries, etc, of the second judicial district, was read and passed

Council bill 120, to amend section 413 of the civil code, was referred to the judiciary committee

Council bill 105—For the compensation of county treasurers, to the committee on territorial affairs

By unanimous consent, Mr Gray introduced two bills for the establishment of wagon roads They are house files 107 and 108

Council bill No 106, amending section 6, chapter 17 political code, was read

Council bill 101, amending section 6 of chapter 21 of the political code, was read a second time, and referred to the committee on territorial affairs

Council bill No 103, from the committee on territorial affairs, with a report recommending its passage Report adopted, and the bill passed

Council bill 107, the Sioux Falls incorporation bill Report of the Minnehaha county delegation adopted, and the bill passed

Council bill 127, from the committee on education with a recommendation that it pass, was read a third time, the report adopted and laid on the table till to-morrow

A message was received from the council transmitting house file 10, amending chapter 10 of the political code which had passed that body with amendments

Also, announcing concurrence in the house amendments to council bill 118, and transmitting house files 53, 29 and 67 as having passed

Further announcing that the president had appointed Messrs Pettigrew and Miner on the joint committee on the deficiency bill Messrs Fockler, Whitfield and Cross is the house wing of the committee

SECOND READING OF HOUSE BILLS

House file 106, amending section 413, code of civil procedure Rules suspended, bill read a third time and passed

House bill 104 Beferred to the judiciary committee

A MESSAGE FROM THE GOVERNOR

was received, transmitting a list of pardons, reprieves, etc, granted during the two years ending January 1, 1879

THIRD READING OF HOUSE BILLS

House file 103, from the committee on insurance, banks and banking, with a recommendation that it pass The bill was lost

House file 46, amending section 832, code of civil procedure The minority report recommending its passage, adopted as amended, and bill passed

THE LAST COUNCIL MESSAGE

was then taken up House file ten relating to the time of holding the supreme court was first considered Amendments offered in the council provided that a term should be held in Deadwood This caused much discussion, and the amendments would not pass The council amendments to house file 99 were concurred in

PRIVILEGE WAIVED

Mr Stephens rose and stated that he waived his privilege to move a reconsideration of the vote by which the penitentiary and insane asylum bill passed the house, and moved that his notice be spread upon the journal and that the record of the vote be also changed so as to show that he voted against the measure Adopted

Mr Fockler moved to reconsider the vote by which the penitentiary and insane asylum bill passed and to lay the motion on the table Adopted

COMMITTEE REPORTS

By general consent the house reverted to the order of committee reports, on the request of Mr Stephens

Mr Stephens reported back house file 99, to fix the location of the county seat of Hamlin county, and recommended that it be indefinitely postponed The report of the committee was adopted

Mr Gamble, from the committee on judiciary, reported back house file 85, for the registration of voters, with amendments, and recommended that it pass as amended The report was adopted, on motion of Mr Stephens, and the bill had its third reading, and was passed by unanimous vote

THE SOVEREIGNS

Mr Gray moved that the house chamber be tendered to the use of the sovereigns this evening, from seven to twelve o'clock Adopted

COMMITTEE OF THE WHOLE

On motion of Mr Gray, the house went into committee of the whole on the general order, Mr Fockler in the chair

House file 72, concerning liens, was taken up and considered and

THE COMMITTEE ROSE

and reported it back with a recommendation that it do not pass

On motion of Mr Stephens, the report of the committee was adopted

There being other matters which should be considered, the house again went into

COMMITTEE OF THE WHOLE

for the consideration of the general order, Mr Stephens in the chair

Council bill 13 to amend the penal code by striking out the clause making it a misdemeanor to receive commissions on loans, was reported back with a recommendation that it do not pass

House file number 1, to amend the revenue law relating to the time for the assessment of taxes, was considered and was reported back with a recommendation that it be indefinitely postponed

Council bill 69, providing for the issuance, sale and redemption of bonds for penitentiary and insane hospital purposes was considered and upon it the committee asked for further time

The consideration of these measures having been adopted,

THE COMMITTEE ROSE

and reported upon each bill as indicated above The report of the committee was adopted,

REGARDING ADJOURNMENT

Mr Gray moved that when the house adjourn it be to meet at nine o'clock to-morrow morning Adopted

HOUSE BILLS

On motion the house reverted to the second reading of house bills

House file 107 establish a territorial road in Burleigh county, had its second and third reading and was passed by unanimous vote

House file 108, to establish a territorial road from Yankton agency to Brule city, had its second and third reading and was passed by unanimous vote

ADJOURNMENT

On motion of Mr Stephens, the house, at 5 15 p m, adjourned to nine o'clock a m, Feb 22d

COUNCIL—40TH DAY

GENERAL COMMENTS

There will be one fine point to be brought up in the courts in the future According to an act of congress, to day is a legal holiday, and the question troubling many of the members, is, can the laws passed to day have any legality? Many of them have doubts on the subject, contending that the session expired last night at twelve o'clock They, however, continued business to day, leaving it to the courts to decide the question

The members walked up to the pay roll this morning, and set their names down opposite four dollars a day

Speaker Jackson was around with his autograph album to day, getting the "handwrites" of the members to hang on his centre table

Saturday, Feb 22 —The council met at 10 o'clock, and was called to order by the president

Prayer by Chaplain Potter

Roll call, members all present

The reading of minutes of yesterday's proceeding were dispensed with

A QUESTION OF STAMPS

Mr Roberts raised to a question of privilege and inquiry He said the pay roll had been made out, and was being signed by some of the members and officers which allowed for 33 days attendance This was wrong and he entered his protest The council has been in session 40 days

Nothing further was said, and the reporter is uninformed whether the "laborer is worthy of his hire" to continue to be "reformed" to the extent of seven days

REPORTS OF COMMITTEES

Mr Kuykendall, from the committee on mines and mining, reported back council bill 89 recommending its passage

Mr MacNider reported a number of bills correctly enrolled

Mr Cuppett reported house file 105 with amendments, and recommended its passage as amended

Mr Valentine reported that he had presented to the governor a large number of bills

Mr Roberts, from the judiciary committee, reported and recommended the passage of house file 92

Mr Edmunds, from the special committee of Yankton county members, reported with an amendment house file 71, to amend the act creating a board of education for the city of Yankton and recommended its passage as amended

Mr Wynn, from the same committee, presented a report recommending the passage of the bill without amendment

MESSAGES FROM THE HOUSE

A message informed the council of the passage by the house of a number of council and house bills.

The house amendments to council bill 108, in reference to ferries, were concurred in, also in amendments to council bill 107, amending the charter of the village of Sioux Falls

Council bill No 56, to establish a public school law for the territory, to which amendments were made by the house, was taken up

Mr Edmunds moved to concur in all the amendments except that striking out section 66

Mr Day moved as an amendment that the council concur in all the house amendments

Mr Day stated that he wanted section 66 restored, as that section provided for a general school tax, and if that provision was stricken out there are many districts in the territory which would be deprived of the advantages of schools

A vote being taken, Mr Day's motion was lost, as was also the original motion of Mr Edmunds

On motion of Mr Kuykendall the sections to which amendments were made were acted upon separately All the amendments up to section 66, were adopted, when Mr Day renewed his motion to concur in the house amendment restoring that section

Mr Pettigrew moved to make the school tax one mill instead of three, which amendment was lost

Mr Edmunds moved to make the tax two mills Pending the consideration of this motion, Mr Edmunds moved a

CALL OF THE HOUSE,

which was made, and Messrs. Valentine and Wynn were found to be absent.

Before the sergeant-at-arms mustered his forces, Mr Wynn came in, when Mr Miner moved to suspend further proceedings under the call Lost

The president then placed a box of cigars on his table, and invited the members to smoke, which proposition was unanimously accepted

After a short time Mr Valentine returned and explained that he had been to the governor's office on official business connected with his position as chairman of the joint committee on enrollment He further stated that the governor's private secretary had been taken suddenly sick, and that during the balance of the session executive communications would be transmitted to the legislature by I E West or Carl Hand

Further proceedings under the call were dispensed with, and the motion of Mr Edmunds to make the general school tax two mills on the dollar was adopted

The amendment of the house restoring section 66 was then concurred in as amended by the council

The amendment of the house to section 78, exempting school officers from the payment of a poll tax, was not concurred in

This ended the amendments, and the bill was directed to be returned to the house

SALARY OF PROBATE JUDGES

Mr Edmunds called up council bill No 131, fixing the salary of probate judges in counties having over 5,000 inhabitants, at $200 a year,

The bill was put upon its passage and defeated

A MESSAGE FROM THE HOUSE

announced the passage of a number of bills, and the refusal of the house to pass council bill No 110, to reimburse counties for expense incurred in the care of the insane.

A BILL

Mr Cuppett asked leave to introduce a bill amending the bill heretofore passed, authorizing certain towns and townships in Lincoln and other counties, to issue bonds in aid of railroads The amendment proposed to confine the amount of bonds issued to 10 per cent of the valuation of the corporation voting such bonds

Mr Wynn objected on the ground that when at Canton he was informed by one of the heaviest tax-payers that the people were opposed to issuing bonds

Mr Cuppett explained that the man from whom Mr Wynn received his information was the proprietor of the town of Beloit, Iowa, and a man opposed to every measure which had for its object the advancement of the interests of Dakota

After some further discussion, Mr Wynn retired from the hall, when a motion was unanimously adopted giving permission to introduce the bill

The bill had its several readings under a suspension of the rules and passed by a unanimous vote

MESSAGE FROM THE GOVERNOR

A message from the governor was received through Judge I L West, announcing the approval of the following council bills

No 96—To vacate the plat of the town of Valley Springs

No 39—Repealing section 43 of the penal code

No 87—Amending section 36, chapter 27 of the political code

No 74—In regard to smoking opium

No 61—

to introduce a bill to define the boundaries of Lake county

The bill, he explained, was for the purpose of correcting an error in the bill passed during this session fixing the boundaries of Hamlin county

The rules were suspended and the bill passed

MESSAGE FROM THE HOUSE

A message informed the council that the house had passed council bill No 133, defining the boundaries of Lake county, and had indefinitely postponed council bill 89 in relation to taxing the net proceeds of mines

A MOTION TO RECONSIDER

Mr Day moved to reconsider the vote by which the bill in regard to physicians' services was lost

Day's motion was, on motion of Mr Coppett, laid on the table, and the bill failed

MESSAGE FROM THE HOUSE

A message announced the passage by the house of house file No 109, making an appropriation for the printing of the laws of Dakota territory, passed at the present session

Mr Roberts moved that the bill be indefinitely postponed Which motion was lost Ayes 5 noes 6

Mr Coppett moved to suspend the rules and place the bill on its second reading

A long discussion ensued, in which Messrs Pettigrew, Miner Roberts, Day and Kuykendall opposed the bill, and Mr Edmunds advocated it

On the motion to suspend the rules the ayes and noes were called

The result was Ayes Messrs Edmunds, MacAuley and Wynn—3 Noes, Messrs Coppett, Day, Ellis, Kuykendall, Miner, Pettigrew, Roberts, Rohr and Mr President—9 Mr Valentine excused

A REPORT

Mr Coppett, from the committee to confer with the house committee in regard to the hour of final adjournment reported that 12 o'clock p m was fixed as the hour of final adjournment

A MESSAGE FROM THE HOUSE

Stating that the house having passed a concurrent resolution to adjourn *sine die* at 12 o'clock p m, had reconsidered that action and fixed no other hour for final adjournment

THE GOVERNOR

Also a message announcing the approval of a number of council bills

A REPORT

Mr Roberts, from the committee to wait on the governor, reported the committee had performed its duty, and that the governor had informed them that he had no further communications to make

FINAL ADJOURNMENT

At 12 o'clock p m, the gavel of the president fell and the council was declared adjourned *sine die*

HOUSE—40TH DAY

The house met pursuant to adjournment at 10 o'clock

Mr Speaker in the chair

Prayer by the chaplain, Rev J P Coffman

The roll showed all members in their seats

The journal of yesterday's session was read and approved

REPORTS OF COMMITTEES

Reports were made on bills, as follows

Council bill 100, passage recommended with amendments

Council bill No 110—Reported adversely

Council bill No 94—Reported adversely

Council bill No 120—Passage recommended without amendments

Council bill No 122—Passage recommended without amendments

Council bill No 115—Two reports, the majority recommending that it do not pass

Council bill No 104—Recommending its passage

Council bill No 108—Recommending its passage with amendments On motion, the rules were suspended and the bill passed

THE MINE REPORT

In respect Mr Burbank, the special committee appointed to investigate the action of the auditor was given permission to report in the regular order

REPORTS ACTED UPON.

On motion of Mr Gamble, the rules were suspended and the reports of committees on bills were taken up with a view to such action on the measures reported

The bill relating to the care of the territorial library, reported back with a recommendation that it pass, was taken up, and the report of the committee adopted

Council bill 101, to amend section 6 of chapter 21 of the judicial code, reported back without recommendation, was indefinitely postponed

Council bill 109, reported back with a recommendation that it pass The report of the committee was adopted and the bill passed Messrs Cross, Maulkson, Shely, Imgall, Wesner and Weeks voting in the negative

House bill 127 was reported back from committee with a recommendation that it pass

Pending action on Mr Gamble's further consideration of the measure was indefinitely postponed

Council bill 119, to amend section 5 of chapter 17 of the political code, relating to herding animals

Council bill No 108—Recommending its passage with amendments On motion, the rules were suspended and the bill passed

TO MINE REPORT

In respect Mr Burbank, the special committee appointed to investigate the action of the auditor was given permission to report in the regular order

REPORTS ACTED UPON.

On motion of Mr Gamble, the rules were suspended and the reports of committees on bills were taken up with a view to such action on the measures reported

The bill relating to the care of the territorial library, reported back with a recommendation that it pass, was taken up, and the report of the committee adopted

Council bill 101, to amend section 6 of chapter 21 of the judicial code, reported back without recommendation, was indefinitely postponed

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House bill 127 was reported back from committee with a recommendation that it pass

Pending action on Mr Gamble, further consideration of the measure was indefinitely postponed

Council bill 119, to amend section 5 of chapter 17 of the political code, relating to herding animals

Council bill No 110—Reported adversely

Council bill No 94—Reported adversely

Council bill No 120—Passage recommended without amendments

Council bill No 122—Passage recommended without amendments

Council bill No 115—Two reports, the majority recommending that it do not pass

Council bill No 104—Recommending its passage

Council bill No 108—Recommending its passage with amendments On motion, the rules were suspended and the bill passed

TO MINE REPORT

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Council bill 109, reported back with a recommendation that it pass The report of the committee was adopted and the bill passed Messrs Cross, Maulkson, Shely, Pettigrew, Wesner and Weeks voting in the negative

House bill 127 was reported back from committee with a recommendation that it pass

Pending action on Mr Gamble, further consideration of the measure was indefinitely postponed

Council bill 119, to amend section 5 of chapter 17 of the political code, relating to herding animals

Council bill 117, for an act to incorporate the village of Valley Springs, was taken up at 11 o'clock by request of Speaker Jackson, went through its readings and was passed by unanimous vote

VOTED DOWN

House file 104, creating a lien of purchase money of personal property was reported back from committee with a recommendation that it pass The committee report was adopted and the bill, being brought to a vote, was lost by a vote of 14 to 8

COMMITTEE OF THE WHOLE

On motion of Mr Stephens, the house, at eleven o'clock a m went into committee of the whole for the consideration of council bill 69, a bill making provision for the issue, sale and redemption of bonds for the purpose of erecting an insane hospital and a penitentiary and for maintaining the same The bill authorizes the issue of $45,000 worth of territorial bonds at eight per cent interest

Mr Stephens moved that the committee rise and recommend that the bill do not pass

A long discussion ensued, which was the warmest yet evoked in this rather turbulent body since the session began

Mr. Jackson spoke in favor of the bill, and Mr Burbank, Mr Gray and Mr Stephens against it each at length and with great earnestness

It was upon this occasion that Mr Brown (who is now known as consolidated Brown) made his maiden speech It was the fortieth and last day of the session and he had not taken advantage of his privilege to distinguish himself His remarks were exceedingly interesting. He said there had been a great hugo presented against bonding and Mr Stephens had intimated something about his (Brown's) way of voting If he wanted to do it why didn't he fetch up a bill two or three days ago and find out I'd a voted for it Has not this appropriation been passed That's what I want to know If they can show me this appropriation has not been combined in a bill pre-cented day before yesterday I will vote for it Every man knows we've got to sell warrants at a discount As I said before, it's the war those two bills stand It is a measure of economy that it is at it it and I stand upon a different position otherwise I believe the insane has got to be kept and I am not ashamed to go back to my constituency

Mr Burbank replied to Mr Brown He charged that Brown's vote on the bond bill was sold for votes for his consolidation bill

Mr Brown—I call Mr Burbank to order unless he can prove it

The chair said nothing and Mr Burbank went on He said that the only proper place for the penitentiary was in the Jim river valley and within twenty miles of Mr Brown's home Mr Brown had said to the representative from Bon Homme, "take all you want, but give us consolidation" Mr Brown had said that he favored the location of the penitentiary at Sioux Falls rather than in the Jim river valley, because he thereby gained votes on his consolidation bill

Mr Burbank was called to order and was strongly defended by Mr Gray, upon the ground that his statements were being made by way of explanation

Mr Burbank was permitted to continue and the balance of his remarks showed that Mr Brown had gone against the wishes of his constituents in trading on consolidation

Mr Gamble spoke against the bond bill at considerable length and finally at 12 30 p m, Mr Gray moved that

THE COMMITTEE RISE,

report progress and set again at two o'clock p m

The report was adopted and the house took a recess to two o'clock p m

AFTER RECESS

The house reopened at two o'clock p m and was called to order by the speaker

COUNCIL MESSAGE

A message from the council which announced the passage, with amendments, of house file 51, Mr Langness' liquor license bill, was taken up

The clerk began to read amendments to the bill, when Mr Gray moved a

CALL OF THE HOUSE,

which motion was ordered, and it was discovered that Messrs Gamble, Burbank, Shely and Whitfield were absent

The sergeant-at-arms was instructed to bring in the absent members

Mr Gamble came just as the sergeant-at arms started on his mission

Mr Brown moved that the further call of the house be dispensed with

Mr Gray rose to speak against the motion and the speaker ruled that the question was not debatable

Mr Gray appealed from the ruling and during the discussion which ensued Messrs, Burbank, Shely and Whitfield came in and further call of the roll was dispensed with

Mr Gray moved that the message from the council relating to house file 51 be referred to the committee on insurance, banks and banking

Mr Langness moved as an amendment that the house concur in the council amendments No action was taken

Council bill 56 came back from the council with notice that the council had concurred in some of the house amendments, added amendments and refused to concur in other house amendments On motion of Mr Gamble, the house receded from the amendments not concurred in, and agreed to the new amendments of the council

Council bill 132, authorizing towns in Lincoln county to aid railroads, had its several readings under a suspension of the rules, and was passed by unanimous vote

Council bill 105, reported back from committee with a recommendation that it pass It provides for an increase in the compensation of county treasurers The bill was passed by a vote of 17 to 9

Mr Gamble gave notice of a motion to reconsider the vote

The report of the committee on the bill providing for testing grain, was, that the bill lie on the table The report was adopted

COUNCIL MESSAGE

The last message from the council was taken up It included

House bile 97, which was passed by the council with amendments The amendments were concurred in

House file 105, to locate the county seat of Turner county, council amendments concurred in

House file 100, to re-establish the boundaries of Hamlin and Codington counties, council amendments referred to Mr Burbank

House file 71 was passed by the council unchanged

Council bill 89, providing for the taxation of the net proceeds of mines, had its second reading, and, on motion of Mr Flick, was indefinitely postponed

Mr Burbank moved to concur in the council amendments to house file 100 Adopted

A COMMITTEE REPORT

Mr Burbank, from the special committee, appointed to investigate the auditor's accounts and the publication of the revised codes, and the disposition of the same made a long and detailed report, fully exonerating the secretary, the auditor, and the public printer from the false charges made by the council committee, engineered by Pettigrew [This report is so lengthy that we can not give it to day, but will publish it in our next issue, in connection with the council committee's report upon the same subject]

During the reading of the report, Mr Gray insisted that it should be referred to the committee of the whole, because its length made it tedious, but he finally withdrew this motion, and said he would be satisfied if it went to its appropriate committee

Mr Burbank then moved that the report be accepted and adopted, and ordered spread upon the journal, and that the committee be discharged The motion was unanimously adopted

COMMITTEE OF THE WHOLE

The house then went into committee of the whole, Mr Fockler in the chair, on council bill 69, the bill for the issue of bonds for penitentiary and insane hospital purposes

Mr Gray made a speech, and then moved that the committee rise, report progress and ask leave to sit again

Mr Stephens moved that the committee rise and recommend that further consideration of the bill be indefinitely postponed A vote was called, and there being apparently a close vote, a division was called for The chair ruled that a division was not in order An appeal being taken from this decision, the chair was sustained

Mr Jackson moved that the committee rise and report a recommendation that the bill pass

Mr Gray called for the reading of the bill at length

The chair refused to order the bill read

Mr Gray insisted that the bill be read

Mr Burbank said he hoped the chair would maintain order in the committee

The motion of Mr. Jackson was then put and carried and

THE COMMITTEE ROSE

and made its report, which was adopted

Mr Gamble moved that further consideration of the bill be indefinitely postponed, but withdrew his motion before it was brought to a vote

The question now recurred upon the final passage of the bill

Mr Gray spoke against the passage of the bill, but his arguments were so wide of the mark and so generally obnoxious that he injured his own side of the question

Finally Mr Brown rose to a point of order that Mr Gray's time was up under a new rule introduced by Mr Gray himself

The speaker sustained the point of order Mr Gray appealed The speaker said he wanted it distinctly understood that Mr Gray's time was up and called a vote on Mr Gray's appeal which was almost unanimously voted down

Mr Gray still insisted upon talking Mr Burbank suggested that the house had a sergeant-at arms

The speaker ordered the sergeant at arms and the messenger to arrest Mr Gray and convey him to some safe place and there keep him subject to the order of the house

The sergeant at arms and the messenger proceeded to arrest the refractory member but the house and the speaker at this juncture concluded to recede from its order and Mr Gray was released

Mr Gray rose to a personal explanation and most courteously apologized for his actions He said if he was out of order he regretted it, as he did not intend to place himself in that position

Mr Burbank spoke again against the bill and in the strongest terms urged the house not to fasten this wholly unnecessary debt upon the people of Dakota

The bill then came to a vote and was passed by the following vote

Ayes—Messrs Brown, Flick, Fockler, Gunderson Helvig, Hoyt, Hoyt, Huseboe, Langness, Trvgstadt, Webber, Weeks, Whitfield, and Mr Speaker—14

Noes—Messrs Burbank, Cross, Gamble, Gray, Johnson, Mauxsch, Shely, Simonson, Stephens Stewart, Walton—11.

Absent and not voting—Mr Peterson

Mr Gray changed his vote and gave notice of a motion to reconsider within five minutes

He soon rose and made the motion

Mr Brown moved to lay the motion on the table Ayes and noes called and the motion was lost

The question was now on reconsideration, and the vote stood 10 to 15 against such action

On motion house file 51, the liquor bill was then taken up The house went into committee of the whole, on that bill and council amendments were passed upon separately The committee then rose and made a report which was adopted

A MESSAGE FROM THE COUNCIL

was received transmitting house files 92 and 90 which had passed with amendments, and also house files 100, 107, 81, 46, 103 and 85 which had failed to pass

They also announced a joint resolution that a committee of three from each branch of the legislature to wait upon the governor to ascertain if that personage had any further communications for this body The speaker then appointed as the house wing to the committee, Messrs Stephens, Burbank and Gamble And announcing the appointment of a joint committee on adjournment, Messrs Cuppet, Ellis and Kuykendall The speaker appointed Messrs Flick, Brown and Fockler to confer with the last named committee

THE DEFICIENCY BILL

The report of the committee on the expediency of the deficiency bill was then given They had consulted the secretary, who stated that $2,000 had already been expended for printing, and there was not now enough money to pay for printing one thousand copies of the laws passed—barely enough to pay for the paper That about $1,000 would be required to pay for the printing above what was now on hand Also that the appropriation for pay of members expired on the thirty second day, but that he was of the opinion that congress would allow them the forty days' pay, and also two dollars per day for the full time in addition to their present salary, making the pay of all six dollars per day The report of the committee was adopted, and the house went into committee of the whole on that subject, but soon rose and asked leave to sit again

A MESSAGE FROM THE COUNCIL

was received, announcing that house file 98 had passed unchanged The vote on the

COUNTY TREASURER BILL,

which increases the compensation of that officer was then reconsidered and an amendment adopted, but the bill was lost on the vote

ON MOTION,

it was agreed that no business except the mere receiving and signing of bills would be taken up until half past nine o'clock this evening, and the greater part of the house then left for supper

THE NIGHT SESSION

The house was called to order at half past nine o'clock by the speaker

COUNCIL MESSAGE

A message was received from the council announcing the passage by the council of council bill 133, for an act to define the boundaries of Lake county This measure was designed to correct one of the errors of consolidated Brown, which a list of townships from Bramble and Miner counties had been attached to Lake county A delegation had arrived from Lake county late this evening for the purpose of undoing the work, and this is how it happened that the bill was put in so late in the session

Mr Fockler moved that the rules be suspended, the bill be put upon its several readings and passed

Mr Burbank moved a call of the house, but the call was not sustained

Mr Huseboe said he hoped the bill would pass The change in the boundary of the county had been a mistake

Mr Burbank said he had no objection to the passage of the bill, but he had observed that Mr Brown was absent, and as this was one of his chicken's come home to roost he wanted the consolidated gentleman present to vote upon the measure He was satisfied that if the senate was to continue a few days longer a great many more mistakes of this sort would be developed He understood that Mr Brown was in the council chamber and asked that he might be brought in

The speaker instructed the sergeant-at-arms to procure Mr Brown

The sergeant-at arms went on his errand, but soon returned and reported that Mr Brown was in the council chamber a few moments ago, but that he had since fled

The bill having had its several readings, was put upon its passage and passed by unanimous vote and this portion of the impudent work of the ring of which Mr Brown is the tail end was undone

EXCUSED

By his own request Mr Burbank was excused from service upon the committee appointed to wait upon the governor, and Mr Flick was substituted

MESSAGE FROM THE GOVERNOR

A message was received from the governor announcing his approval of

H F No 88—Authorizing the county of Yankton to issue bonds to fund its indebtedness

H F No 73—Amending section 640 of the code of criminal procedure

H F, No 35—Amending section 26 of the code of civil procedure

H F No 66—Amending sections 5 and 6 of chapter 39 of the political code

A DEAD BILL

Mr Stephens called up council bill 89, relating to the taxation of the net proceeds of mines It came up readily under his call and went down again as quickly under a motion from Mr Stephens to indefinitely postpone further consideration thereon

ABOUT ADJOURNMENT

Mr Flick from the committee on adjournment, reported that it was decided that the house adjourn at twelve o'clock

Mr Burbank didn't see any necessity for such a motion, as a law of congress compelled such adjournment He moved to lay the report on the table So ordered

A BILL

Mr Gamble asked for and received unanimous consent to introduce house file number 109 for an act to appropriate $800 towards printing the session laws

The bill had its first reading and Mr Stephens moved that the rules be suspended and that the bill have its several readings and be put upon its final passage The motion was adopted and the bill passed by a vote of 20 to 2, Messrs Gray and Webber voting in the negative

A THIRD HOUSE DIVISION

On motion of Mr Burbank the house went into committee of the whole for the consideration of the special committee to investigate the auditor, secretary, printers, &c, Mr Fockler in the chair

In committee it transpired that Mr Gray had, during the afternoon, moved to refer to the committee of the whole, the report which had been previously adopted

The committee having solemnly considered the subject rose and reported everything all right

A lively passage followed between Mr Burbank and Mr Gray, which served to kill time and amuse the house Some of their remarks came very near being personal

Mr Burbank called up the amendment of the council to the bill in which the council had, by amendment, changed the name of Gray City to Mandon and moved that the house concur in the amendment Adopted

COMPLIMENTARY RESOLUTION

Mr Fockler introduced the following resolution which was adopted

Resolved, That the members of this house extend to the honorable J R Jackson, speaker, to the chief and assistant clerks and officers of the house their thanks for the faithful and efficient manner in which they have discharged their duties during the 13th session of the legislative assembly of Dakota territory

THE GOVERNOR INTERVIEWED

A committee of one, consisting of Mr Jackson, was appointed to wait upon the governor and ascertain if he had any further communication to make to the house

Mr Jackson performed the duty intrusted to him and reported that the governor had signed a large number of bills, a memoranda of which would arrive in a few minutes The report was accepted and the committee discharged

RECONSIDERED

Mr Burbank moved a reconsideration of the vote to adjourn at midnight The motion was adopted on a division of the house

A LAST WORD

Mr Burbank rose and stated that he had passed a pleasant forty days and that his best wishes went with the departing members

MESSAGE FROM THE GOVERNOR

A message was received from the governor announcing his approval of bill e bills 93, 51, 102, 95, 61, 77, 93, 97, 10, 90, 96, 50, 53 and 92

CLOSING WORK

Mr Stephens, from the joint committee appointed to wait upon the governor, reported that his excellency had no further communication to make

Mr Gamble moved that the house adjourn without day.

Mr Gray made some pleasant remarks concerning his experience as a legislator and congratulated the house on the fact that the governor had pocketed the prison scheme

A message was received from the council at 11 55 o'clock, announcing that that body would adjourn in five minutes

Mr Gamble made a few parting words in which he expressed his gratification over the pleasant experiences of the past forty days

Speaker Jackson then rose and announced that the thirteenth session of the Dakota legislative session was about to close He thanked the members of the house for their uniform courtesy and kindly co operation at all times He parted with the members of the house with unfeigned regret, and trusted that they would take with them a kindly recollection of him whose best wishes went with them At midnight

THE HAMMER FELL

and the speaker declared the house adjourned without day

GENERAL COMMENTS

Two of the bills relating to the penitentiary scheme have died a natural death in not receiving the governor's signature

One of these measures is council bill 69, the bond bill urged so strongly by the Sioux Falls syndicate and the other is council bill 34, the bill locating the territorial penitentiary at Sioux Falls Under law passed some fifteen years ago, the penitentiary is located at Bon Homme, and as the bill appropriating money for its construction has passed and been approved, it is possible that the territorial prison may be built at Bon Homme Thus does it happen that Pettigrew's schemes have all fallen to pieces The young man has overreached himself, and goes home badly beaten

LAWS PASSED AND APPROVED

To amend chapter three of title two of part three of division second of the civil code, and to provide for the organization of railroad corporations, to regulate the operations thereof, and to provide for the taxation of their property

To amend section 461 of the penal code in relation to ferries

Authorizing school district No 1 of the county of Richland to issue bonds for the building of a school house

To amend sections 15 and 16 of chapter 39 and section 81 of chapter 28 of political code in relation to fees and duties of county treasurers

To change the name of the county seat of Chehkapa to Whapeton to agree with its present name and post office

Appropriating territorial taxes due from Grand Forks county for the year 1878 and 79 for the use of the county.

To amend section 446 of civil procedure concerning the examination of husband and wife as witnesses for and against each other and section 137 same code, relating to allegations in civil proceedings

An act establishing the Dakota hospital for the insane, providing for the government of the same, and for the care of the insane, and for the organization of a board of commissioners of insanity in each organized county.

Providing a board of education for the city of Fargo

For the relief of Lawrence county This is the commissioners trouble

Providing a board of education for the village of Sioux Falls

Authorizing the appointment of a fire warden in the town of Deadwood

Fixing the amount of time for which the clerks of the legislature shall be paid

Amending an act for the incorporation of the city of Bismarck

Amending sections 308 and 385 of the penal code, relating to punishment for assault and battery, and petit larceny

Authorizing school district No 2, Grand Forks county to issue bonds

Authorizing Grand Forks county to issue bonds for certain purposes

Providing for the organization of civil townships, and the government thereof,

Locating the county seat of Grand Forks county

Amending the act providing a board of education for the city of Vermillion

Creating a lien for miners and laborers in certain cases

Funding the outstanding indebtedness of the counties of Moody, Brookings, Burleigh and Grand Forks

Amending the act incorporating the village of Sioux Falls.

Joint resolution asking for information as to pay

Amending chapter 3, title 2, part 3, civil code relating to corporations

Defining the boundaries of the counties of Burleigh Emmons, Morton, Stark and Billings

Enlarging the boundaries of the county seat of Clay county

To employ assistant clerks, and providing for compensation of the same

Amending the act to fund the indebtedness of Minnehaha and Lincoln counties

Amending the incorporation act of the city of Vermillion

Amending section 1 of chapter 17 of the political code relating to notaries public

Amending the incorporation act of the city of Fargo

Increasing the number of justices of the peace in certain counties

Making an appropriation reimbursing the governor for money expended in constructing a hospital for the insane

An act to attach the counties of Wallette and Mountrailie to Burleigh county for certain purposes

Relating to the rules of evidence in criminal proceedings

Funding the indebtedness of Union county

Authorizing the county commissioners of Deuel, Grant, Codington and Hamlin counties to pay their representative

Amending section 4, chapter 3, political code, designating to whom shall be given printed volumes of the laws

Authorizing school districts in the counties of Minnehaha, Brookings, Moody and Lake to issue bonds for certain purposes

Regulating the time and manner of making fireguards

Creating the office of reporter to the supreme court

Removing doubt as to the eligibility of certain officers.

Providing for the instruction of deaf, dumb and blind persons

Amending section 6 of chapter 5, of the political code, fixing the bonds of certain officers

Funding the outstanding indebtedness of Lawrence county

Defining the boundaries of the third judicial district

Defining the boundaries of the first judicial district

Defining the boundaries of the second judicial district

Vacating the town plat of the town of Valley Springs

Amending chapter 48 of the political code relating to apportionment of representation in the legislative assembly

Amending section 3, chapter 27, political code, entitled elections

An act in regard to the smoking of opium

Repealing section 43, penal code

Prescribing fees for the secretary of the territory in certain cases

Amending sections 8 and 92, justices code relating to the transfer of action and appeal

Amending section 336, code of civil procedure, relating to sale of real property on execution

Authorizing Richland county to fund its indebtedness

Amending section 56, justices code, relating to the jury trial

An act to prevent fraudulent banking

Appointing E A Sherman special agent on temporary arrangements for care of the insane

Amending section 22, code civil procedure, relating to appeal to the supreme court

Amending section 10, chapter 27, political code, on elections

Amending section 446, code of civil procedure, concerning the examination of husband and wife as witness for and against each other

Concerning public highways, roads, etc, in Union county

To fund the indebtedness of Pennington county

Providing compensation for attorneys in certain cases

Amending chapter 10 of the political code

To fund the indebtedness of Hutchinson county

To amend chapter 13 of the political code relating to sub divisions of judicial districts

Authorizing Clay county to require the payment of license and the giving of a bond for the sale of liquor

Providing for the purchase of Dakota supreme court reports, Volume I

Authorizing Deuel, Codington and other counties to pay their representative

Regulating the license for the sale of liquor from $200 to $500

To authorize Burleigh county to issue court house bonds

To attach the county of Kingsbury to adjoining county for election purposes

To amend section 647 of the civil code

To consolidate the counties of Hutchinson and Armstrong, and to provide for the consolidation of Hanson and Davison

To incorporate the village of Flandreau

An act authorizing the townships of Canton, Linn, Dayton and Grant in the county of Lincoln to issue bonds to aid in the construction of railroads

An act to authorize school district 45 in Lincoln county to issue bonds to build a school house

An act fixing the justices of the peace in Grand Forks

To amend section 5 of chapter 17 of the code

To amend section 413 of the civil code

To authorize the board of education of Sioux Falls to fund its outstanding indebtedness

To incorporate the village of Valley Springs

To amend chapter 36 of the political code

To legalize the acts of the territorial treasurer in paying 10 per cent interest

To amend the charter of Sioux Falls

Making an appropriation for commencing a penitentiary and paying officers and employes and subsistence of prisoners

To establish a public school law for the territory of Dakota

To define the boundaries of Lake county

To amend section 565 of the civil code, relating to the organization of agricultural fair corporations

Providing for the expenses of the territorial library

Annexing certain territory to the Yankton city school district

Authorizing the employment of short hand reporters in the district courts of Dakota

Authorizing the commissioners of Yankton county to fund the outstanding indebtedness of said county and for other purposes

To amend section 6 of chapter 39 of political code—salary and fees of district attorneys

To amend section 26 of the code of civil procedure, permitting the supreme court to be held in other buildings than those designated

To amend section 640 of the code of criminal procedure, in relation to convict labor

To amend subdivision 5 of section 2 of chapter 28 of political code, exempting grounds, &c, of benevolent societies from taxation

To amend section 54 of chapter 29 of the political code, relating to ferry licenses

For the relief of Fred Wells, treasurer of Bon Homme county

To amend an act establishing the insane hospital

To provide for the sale of unclaimed property by common carriers, inn keepers and warehousemen

To amend section 703 of chapter 56 of the penal code relating to malicious mischief

To amend the revenue law relating to listing property

To incorporate the city of Yankton

To authorize the city of Fargo to issue five thousand dollars of bridge bonds

H F 35—To amend section 26 of the code of civil procedure

H F 73—To amend section 640 of the code of criminal procedure

H F 66—To amend sections 5 and 6 of chapter 39 of the political code

LIST OF LETTERS

Remaining in the postoffice of Yankton, Yankton county, D T, Feb 14, 1879. If not called for in 30 days, will be sent to the Dead Letter office

Bye Andreas K	Liberty Miss Maggie
Boyce P U	Lewis Wm W
Benson Anthony	Mueller Chas
Brookins C C	Madole Freem
Bussard Ludwig	Lee D P Maggy
Clendening Geo	Nicks Charlie
Cox Mrs Martha	Sheh Johan
Duis E	Slott F F
Flye L W—2	Thomas W R
Hawse James	Vachon Moses
Huger Annie L	Wager Frank
Johnson Ida Sophia	Williams P R
Johnson Ed	Weeks J W
Jones Wm	

HELD FOR POSTAGE

Joseph Johnson, Marindale, D T—2
Chas Crumlett, Iberia, Minnesota—3
Miss Dodge, Yankton—1
George Steckney Elk Point, D T—3
Mrs W H Bramer, Utica, D T—2
D M Ferry, Detroit, Mich,—2

Persons calling for advertised letters will please say advertised

A W HOWARD, P M

ENJOY LIFE

What a truly beautiful world we live in! Nature gives us grandeur of mountains, glens and oceans, and thousands of means of enjoyment We can desire no better when in perfect health, but how often do the majority of people feel like giving it up disheartened, discouraged and worried out with disease, when there is no occasion for it, as every sufferer can easily obtain satisfactory proof that Green's August Flower will make them as free from disease as when born Dyspepsia and Liver Complaint is the direct cause of seventy-five per cent of such maladies as Biliousness, Indigestion, Sick Headache, Costiveness, Nervous Prostration, Dizziness of the Head Palpitation of the Heart, and other distressing symptoms Three doses of August Flower will prove its wonderful effect. Sample bottles, 10 cents Try it

NEIGHBORHOOD NEWS

Vermillion has its town pump No 2

Business in Vermillion is improving

Minnehaha county has four newspapers

Vermillionites use black walnut wood for fuel

Business and building is decidedly on the increase in Lodi

There are serious cases of diptheria reported in Elk Point

An infant son of David Powell of Vermillion, died on Saturday

A Scandinavian dance will occur in Vermillion some night next week

The Royal Arch Masons of Sioux Falls have failed to organize a chapter

J N Waples, of Sioux Falls is about to start a branch lumber yard at Flandreau

Sioux Fallites are considerably excited over the discovery of the Lake county gold fields

The United Brethren church of Elk Point have commenced a serious of revival meetings

Union county people rejoice over the passage of the bill funding the indebtedness of that county

Vermillion has rather more than its full quota of saloons, much to the regret of all local optionists

"Some people" in the vicinity of Elk Point have a fashion of borrowing wood between two days

The Sioux Falls Independent has been striking around promiscuously from the shoulder—as it were

Otto Anderson, of Sioux Falls, is getting ready to go to the Black Hills, with a prairie schooner load of eggs

Congratulations are in order for the people of Beloit and Canton, upon the efforts their young people are making toward self-improvement

A Canton saloonist 'put a head on" one of his customers, in order to forcibly convince him that his account was just, and must be paid

M W Sheafe, of Elk Point, has 1,0 0 cords of wood piled near his mill He uses five cords every twenty four hours in running the mill

The young men of Elk Point who carry deadly weapons and recklessly use them are warned to "watch out," by the Courier

The members of the Portlandville Methodist church, propose giving a first class entertainment for the benefit of their pastor

There is a probability of retaining the Rev Mr Walker permanently in the Congregational church of Vermillion He gives general satisfaction

Four hundred and eighty-two piles have been driven, and 2,500 feet of cross timber put on to hold the piling together, at the washout below Vermillion

The Elk Point Courier is making inquiries in regard to the musical and literary union of that place The institution seems to have disappeared since Wa lace quit singing

The excursionists to Canton left enough of the entertainment, furnished by the good people of that place, to supply each of the editors of the town with a piece of cake apiece

The Dell Rapids Exponent, is a tidy seven column sheet, which starts out well Editorially considerable ability is shown Typographically it is a success Its first issue gives a business statement which places Dell Rapids as the "second city" in Minnehaha county and produces an excellent showing of improvements for so young a place

Canton Advocate Green grass and clover! A bunch gathered by our boy but a few days since on the banks of the Columbia, in Washington territory, is upon our table There (he writes), flowers are in bloom, warm breezes are blowing, and the valleys are clothed in their spring garments, and this little souveneur he sends us as evidence of the advanced stage of vegetation in mid-winter Whew! think of the long weeks, spring blizzards and blinding snow falls, that we must witness here before the beautiful green of our Dakota prairies can rank with this little cluster gathered in that far off country

THE LOUISIANA VOTE

Potter's Committee Gets In Some of Its Work in that Direction

Washington, Feb 20—The Potter committee to-day examined United States Marshal L Wharton of Louisiana

Wharton said he was a republican and had been a supporter of the Packard government During the time the returning board of 1876 was sitting he was in New Orleans, but he never attended any of their sessions There was a great deal of scandal at the time about public men, and heard among other things that Wells was trying to make money out of his position

"It is not my charge" said Wharton in explanation "The charge was that the democrats had men down there with money, and they were making an offer to buy, and it was believed that if matters could be arranged Gov Wells was ready to treat"

Wharton continued, Maddox told me he was satisfied Wells intended to sell out the result of the election to the democrats, that he enjoyed a good deal of Wells' confidence, and that Gov Wells was inclined to make him negotiator He thought he had better encourage the confidence, he said, so that he would be in an attitude just about the time it would be considered an actual trade to post us (the republicans) so that we could break it up and prevent any consummation of it Witness did not know of any financial arrangement being made with Wells

Q Here is a letter dated New Orleans, December 3, 1876, and published in the Chicago Inter Ocean Did you write that? A I do not know it If I did it was in the belief that Maddox would be able to carry the thing to a point and give us information

Q This letter says I think you had better advise them to abandon all hopes of getting anything from us and advise him to make, or authorize you to make, distinct proposition to the other side? A Yes, that is, I wanted him to bring the matter to a focus I was afraid the matter might drift into other hands and that a trade might be made and we not know it I wanted Maddox to go on so that he might know the amount to be paid—that so much money was put here and so much there, and so on, and so be enabled to break up the trade

Q Subsequently to your talk with Maddox about Gov Wells, did you go to him with Packard? A Yes

Q What did he say then? A He said he believed that if the state administration would give Gov Wells what was regarded as its biggest offer, that Wells would be satisfied

Q Maddox claimed to represent Wells, did he? A Not exactly representing Wells, but probably acting as a go-be-tween and keeping us well posted

Q By a go between you mean Packard and Wells? A Well I don't know, all through we regarded Maddox's action from the purest motives, as a strong republican, and as being as much interested in preventing anything of this kind as anybody

Q Did he say Wells would be satisfied with $20,000? A I don't remember, very possibly he did

A letter was here read from Jewett, former secretary of the republican campaign committee of Louisiana to Senator Kellogg, in which he says that Louisiana politics must be run after his fashion, and that unless Richardson gets a position, and unless Pitkin is made marshal and his other friends taken care of in a manner entirely satisfactory to him, he (Kellogg) must take the consequences

ABOUT DAKOTA.

Chicago Inter Ocean Feb 19

Dakota has rung the door-bell of the nation and wants to come in She wants to be a state, She is big enough to wear the garments of a sovereign, but is not old enough Beside, as like as not her first senator would be Buffalo Bill or Sitting Bull Dakota had better tarry in Jericho until her population be grown somewhat larger than it is now—*Cincinnati Commercial*

The Commercial should not make faces at Dakota She has as wide-awake a population as can be found, and will be a credit to her sisters in the union Even if she sent some fellow who would lift a few senatorial scalps, the nation would not put on mourning Come in, Dakota, and make yourself at home Of course the president will veto the Chinese bill.

NEWS BY TELEGRAPH

From the Daily Press and Dakotaian

WASHINGTON.

THE CATTLE DISEASE.

Washington, Feb 21—The senate committee on agriculture, Mr Paddock as chairman, to day examined Samuel Brown, of Pittsburg and other witnesses with regard to the pleuro pneumonia in cattle All concurred that the country is free from this disease, and letters from Kentucky, Ohio, Illinois, Texas, and Nebraska showed the fact

A NUMBER OF BILLS

Washington, Feb 21—A number of bills on the calender passed, among them the senate bill to amend the revised statutes in relation to the transportation of animals The army appropriation bill was then taken up

FOUR PER CENTS

Washington, Feb 21—Subscriptions to the four per cents are $5 653,350

TELEGRAPHIC BREVITIES

THE GOOD JUROR

New York, Feb 21—In the suit of Hiller against the Burlington & Missouri River railroad to recover $114,000 damages for alleged breach of contract, the jury awarded $658 A motion made by the plaintiff for a new trial, was denied, but delay was given to prepare an appeal

Troy, Feb 21—Grand jury has reconsidered indictments vs Daniel Robinson, treasurer of the Troy and Boston railroad for conspiracy to defraud the creditors of the defunct Merchants and Mechanics bank, and has found a bill against D Thomas Vail, Aaron Vail, jr, directors, and Francis Sims cashier of the bank, for a like offense An indictment has been found against Geo H Cooper, chairman of the board of supervisors in endeavoring to obtain and audit fraudulent claims

FOREIGN

DUTY AND TAX ON TOBACCO

Berlin, Feb 21—The rates fixed on the bill proposed by the minister of finance for increased duty and tax on tobacco are 70 marks per hundred weight on imported and 40 marks per hundred weight on home grown tobacco The present rates are 40 and 20 marks respectively

A BOUNDARY QUESTION

The powers decide to refer the Dobrudja boundary question to the ambassadors at Constantinople The Austrian government, before assenting, insisted that the decision of the majority must be final, to which the Russian government willingly agreed

THE AMEER

London, Feb 21—The ameer of Afghanistan is said to be still in Afgan territory at Khular or Tashaurgin

OBITUARY

London, Feb 21—John Parry, singer, and John Clark English, comedian, are dead

HEAVY SNOW FALL

Six inches of snow in London and vicinity last night impeded traffic.

Paris had a snow fall yesterday Continental telegraph and much eastern news delayed

PRUSSIA

Berlin, Feb, 22—Considerable alarm is felt at the statement in east

Press and Dakotaian

Thursday, February 27, 1879

CITY AND VICINITY

DAKOTA LEGISLATURE

Proceedings of the Thirteenth Session

COUNCIL—37TH DAY

Wednesday, February 19 —Council met at 10 o clock, a m, and was called to order by the president

Prayer by the chaplain

Roll called, members all present

The minutes of yesterday's session were read and approved

MESSAGE FROM THE HOUSE

A message received from the house informed the council of the following action

Council bill No 40, defining the boundaries of certain counties—indefinitely postponed, the passage of council bills 74, 86 96 and 97, and house files 96, 39, 86 and 98, the concurrence in council amendments to house file 46, and the appointment of Messrs Gamble, Burbank and Brown as a conference committee in the matter of the disagreement of the two houses on council bill No. 43.

REPORTS OF COMMITTEES.

By Mr Wynn, from the committee on education, reported house file 71, amending the act creating the board of education of the city of Yankton, and recommended its passage

Mr Roberts, from the committee on judiciary, recommended concurrence in house amendments to council bill No. 16, and the passage of house files 68 and 81 and council bills 78 and 100

Mr Ellis, from the committee on counties reported back house file 80 and council bill 90 and recommended their passage

Mr Edmunds, from the committee on finance and expenditures, reported council bills 94 and 103, with a recommendation that they pass

Mr MacNider reported council bills 52, 78, 98 and 100 correctly enrolled

Mr Pettigrew, from the special committee to examine the books of the territorial auditor and ascertain the amount paid for printing during the past two years, submitted a report, which was read and ordered spread upon the records

Mr Edmunds from the conference committee on council bill No 22, in relation to the courts in the first judicial district, reported that the committee agreed that the next term of the United States court be held at Rapid City and thereafter at Deadwood

The same gentlemen from the conference committee on house file 43 relating to the care of the territorial library, reported that the committee had agreed to reduce the amount appropriated for insurance from $150 to $75, and recommended its passage as thus amended

Mr Edmunds, from the committee on finance and expenditures recommended the passage of council bills 64 and 103, and that 91 providing for the printing in newspapers of the general laws passed by the legislature, do not pass

INTRODUCTION OF BILLS

By Mr Pettigrew—To amend the charter of the village of Sioux Falls Read first and second times, and referred to the committee on judiciary

Also, to incorporate the village of Valley Springs Read first and second times, and referred to Mr Pettigrew

By Mr Cuppett—To amend section 54 of chapter 21 of the political code, read and referred to the committee on highways, bridges and ferries

Also, to amend section 54 of chapter 23 of the political code, read and referred to the committee on judiciary

By Mr Roberts—To amend section 9 of chapter 13 of the political code—to the committee on judiciary

Also, to reimburse Cass county for expense incurred in maintaining insane persons—to the committee on finance and expenditures

By Mr Wynn—To provide for retracing and removing of the east, west and north lines of Yankton county—to the committee on counties

By Mr Miner—To amend section 728 of chapter 47 of the penal code—to the judiciary committee

By Mr Valentine—To amend the penal code in relation to malicious mischief

Also, to amend the present law in regard to a change of the place of trial—both of which were referred to the committee on judiciary

SECOND READING OF BILLS

The following bills were read a second time and referred as follows

No 101—To amend section 6 of chapter 21 of the political code, to the judiciary committee.

No 102—Providing for a general term of the district court in Lincoln county, to committee on judiciary

No 101—Legalizing the acts of the territorial treasurer in paying 10 per cent interest, to the committee on finance and expenditures

No 105—Increasing the compensation of county treasurers, to the committee on mines and mining

THIRD READING OF BILLS.

Council bill No 93—To provide for printing the general laws of the territory in newspapers, was, on motion of Mr Valentine made the special order at 11 o'clock next Monday, being the 41st day of the session

Council bill No 44—To provide for the care of the territorial library Passed

Council bill No 98—To provide for the sale of unclaimed property by inn-keepers, common carriers, &c Passed

Council bill No 99—To incorporate the city of Sheridan Passed

Council bill No 100—To amend the law in regard to private corporations Passed

Council bill No 103—Providing for the compensation of county commissioners Passed

MESSAGE FROM THE HOUSE.

A message from the house announced the passage over the governor's veto of council bills Nos 15 and 14

CONCURRED IN

Council bill No 22—Defining the judicial districts and fixing terms of court therein, was taken up, and on motion of Mr Kuykendall, the amendments made by the conference committee, adopted

On motion, the house amendments to council bill 16, were concurred in

HOUSE BILLS

No 93—To authorize the counties of Deuel, Grant, Codington and Hamlin, to pay their representative in the house of representatives Passed under a suspension of the rules

No 97—To incorporate the village of Dell Rapids Passed under a suspension of the rules

House file No 98—To authorize the county commissioners of Clay county to require license and bond for the sale of intoxicating liquors as required by the general laws of the territory had its first reading.

House file 35—to amend section 26 of the code of civil procedure, read and referred to the the judiciary committee

House file 51—To regulate the sale of intoxicating liquors, read and referred to the committee on immigration

House file No. 54—Brown's county bill, read and referred to the committee on counties

House file No 67—Changing, continuing &c, of public highways, to the committee on highways bridges and ferries

House file No 82—A memorial in relation to the coal mines on the Ft Lincoln reservation passed

House file No 91 —Relating to the per diem of the clerk of the district court of Yankton county.

Mr Edmunds moved that the rules be suspended and the bill placed upon its passage, which motion prevailed

Mr Day moved that the bill be indefinitely postponed Lost

A motion by Mr Cuppett to refer to the judiciary committee was also lost.

On the passage of the bill the vote stood Ayes—Messrs Edmunds, Ellis Kuykendall, MacNider Pettigrew, Roberts and Rohr—7 Noes—Messrs Cuppett, Day, Miner, Valentine, Wynn and Mr President—6

Before the vote was announced, Mr Pettigrew said he desired to change his vote from aye to no The measure, he said, was a local one, affecting Yankton county only, and he voted for it believing it to be desired by the people of Yankton county, but the delegation from Yankton county being divided on the measure—Mr. Wynn voting against it—he wanted his vote recorded against the bill

Mr Ellis, for the same reasons, changed his vote to the negative

Which left the vote stand, ayes 5, noes 6, and the bill was declared lost.

Mr. Wynn explained that at an early day in the session he introduced a bill on the same subject and with similar provisions, and in that bill he had been shamefully treated by the council, and he desired no courtesy for himself in this matter.

A motion to reconsider the vote by which the bill failed and to lay that motion on the table did not prevail

NON CONCURRENCE

On motion of Mr Kuykendall, the council refused to concur in house amendments to council bill 78, the apportionment bill The house amendments make Lawrence, Pennington and Custer counties one council and representative district Mr Kuykendall is in favor of making these counties one council district, but opposed to including them in one representative district

MESSAGE FROM THE HOUSE

A message from the house stated that that body had passed over the governor's veto house file No 2, relating to persons engaged in the business of banking, and requested similar action on the part of the council

THIRD READING OF HOUSE BILLS

House file No 63, providing for the appointment of a supreme court reporter, was taken up and read a third time

Pending discussion on its provisions, on motion of Mr Miner the council took a recess until 2 o'clock p m

AFTER RECESS

The council re-assembled at 2 o'clock

The consideration of house files on third reading was resumed

No 63, which was under consideration at the hour of adjournment this forenoon was taken up and passed

No 71, amending the law creating the board of education of the city of Yankton, had its third reading, and a motion to indefinitely postpone was lost, when it was recommitted to the Yankton county members of the council

No 80, to organize and define the boundaries of the county of Grandin Passed

No 81, regarding the fees of officers in the first judicial district Passed

ANOTHER VETO MESSAGE

The message from the house transmitting the message of the governor vetoing house file No 2, relating to persons engaged in banking, and which bill was passed by the house over the veto, was taken up and the message read

A vote being taken on the question shall the bill pass the objections of the governor to the contrary, the vote stood Ayes—Messrs Cuppett, Day, Kuykendall, Miner, MacNider, Pettigrew, Roberts, Rohr, Valentine and Mr President—10 Noes—Messrs Edmunds, Ellis and Wynn—3

The necessary two thirds having voted in the affirmative, the bill was declared passed, the objections of the governor to the contrary

TRYING TO RAISE THE DEAD

Mr Edmunds asked unanimous consent to take up council bill No 61, providing for the education of the deaf and dumb, which bill was defeated in the council on the 17th inst

The chair stated that under the rules there was no way of reinstating a bill which had once been defeated, and the time had lapsed for a reconsideration of the vote

Mr Valentine sustained the chair, and said there was no way the bill could be raised from the dead

Mr Ellis thought it was singular that the council had bound itself by such rules that it couldn t do what all its members wanted to do

It was finally concluded that the only way to get over the trouble was to introduce a new bill, and by unanimous consent, Mr Ellis introduced a bill providing for the education of deaf, dumb and blind persons, which had its first and second readings, and was referred to the committee on agriculture

INTRODUCTION OF BILLS

By consent, the following bills were introduced

By Mr Edmunds—To amend the law in relation to the personal liability of stockholders, also, a bill in relation to the protest of notes, etc, by notaries public

By Mr Kuykendall—To amend sections 90, 91 and 92 of the justices code, also a bill to legalize the acts of the county officers of Lawrence county, which bills were read twice by their titles, and referred to the committee on judiciary

By Mr Roberts—To amend chapter 36 of the political code, read twice and referred to the judiciary committee

By Mr Kuykendall—In relation to toll roads, referred to committee on highways, bridges and ferries

By Mr Roberts—Fixing the jurisdiction of justices of the peace in Grand Forks, referred to judiciary committee

By Mr Valentine—To remove the cloud from certain titles, referred to committee on territorial affairs

By Mr Pettigrew—To repeal sections 1, 2, 3, 4, 5, 6 and 7 of chapter 40 of the political code, referred to the judiciary committee

COMMITTEE REPORTS

Mr Roberts from the committee on judiciary, reported council bill 62, relating to mill dams and mills, and it was passed

Also house file 25, to amend sections 2 and 4 of chapter 6 of the penal code, which bill was lost

ADJOURNMENT

At 4 o'clock p m, the council adjourned until ten o'clock to-morrow morning

HOUSE—37TH DAY

YESTERDAY AFTERNOON S PROCEEDINGS

The house got under way again at two o'clock

The second reading of council bills was continued

Council bill 91, to amend section 565 of the civil code, was read and on motion referred to the committee on territorial affairs

THIRD READING OF COUNCIL BILLS

Council bill 39, for the repeal of the old Sunday law, reported from the committee on education, with amendments Report adopted, and the bill passed

SECOND READING OF HOUSE BILLS

House file 83, concerning the rate of interest On motion the bill was referred to the committee on territorial affairs

House file 84, to authorize certain counties to organize civil corporations and issue bonds to aid in the construction of railroads Referred to the committee on railroads

House file 85 providing for the registry of electors in cities Referred to the committee on judiciary

House file 86—authorizing the county commissioners of certain counties to pay their representatives Rules suspended, bill read the third time and passed

House file 87—regulating the practice of medicine, surgery and obstetrics Referred to a special committee, consisting of Messrs Whitfield and Flick

House file 88—regarding the outstanding indebtedness of Yankton Referred to the delegation from Yankton county

THIRD READING OF HOUSE BILLS

House file 10—Reported from the judiciary committee with amendments, and a recommendation that it pass Report adopted and the bill passed Mr Flick gave notice to reconsider to morrow This bill fixes the time of holding supreme court to be on May and October

House file 78—To amend section 324, chapter 13, code civil procedure Reported from committee on banks and banking with two reports, the majority recommending its passage with amendments, and the minority against its passage On motion the minority report was adopted, and the bill passed

BY PERMISSION,

the following bills were introduced

House file 98—concerning liquor traffic in Clay county Rules suspended, read the second and third times and passed

House file 99—Defining the location of the county seat of Pennington county

House file 100—To re establish the boundaries of Hamlin county

UNFINISHED BUSINESS

Mr Burbank moved that the committee to which was referred house file 75 be asked to report immediately The bill was then indefinitely postponed

A resolution was then adopted, ordering all individuals, committees, etc, to return all bills, documents and papers in their possession belonging to this house before Friday

The clerk was then instructed to ask the chief clerk of the council to return council bill 46 to this body without delay

ADJOURNMENT

At a quarter to three the house adjourned to meet it ten o'clock to morrow

TO-DAY'S PROCEEDINGS

The house met pursuant to adjournment at ten o'clock.

Mr Speaker in the chair

Prayer by the chaplain, Rev J P Coffman

Roll call showed all members in their seats

The journal of yesterday's session was read and approved

COUNCIL MESSAGE

A message was received from the council announcing

First—The passage over the governor's veto of council bill 15, relating to incorporated companies, members of incorporated companies, and prohibiting county commissioners from levying toll on mining ditches and flumes, and the passage over the governor's veto of council bill 44, giving justices of the peace jurisdiction in petty cases

Second—The return of council bill 46 and house bill 26, the latter having been passed by the council

Third—The rejection of house file 21 providing for a superintendent of weights and measures, and house file 58, organizing the county of Howard

Fourth—The passage, with amendments, of house files 50 and 63

THE VETO MESSAGE

was taken up, on motion of Mr Burbank, and council bill 44 was first considered

Mr Burbank moved that the bill pass, the veto of the governor to the contrary notwithstanding

On motion of Mr Gamble, the house receded from its amendment fixing the court at Rapid City

On motion of Mr Gamble, the house adopted the amendments recommended in the majority report

On motion of Mr Burbank all reference to the third judicial district was stricken from the bill

On separate motions from Mr Gray, all the votes upon the measure were clinched by the usual process

RECESS

On motion of Mr Gamble, the house, at 1 30 o'clock p, m took a recess till 3 o'clock p m

AFTER RECESS

The house was called to order at three o'clock by the speaker

COUNCIL MESSAGE

A message was received from the council announcing the passage by that body, with amendments, of house file 80, a bill establishing the county of Bruce The amendment changes the name of the county to Grandin

COUNCIL BILLS.

Council bill 64, for an act to fund the outstanding indebtedness of Lawrence county, was called up by Mr Flick and under a suspension of the rules was passed by a vote of 20 to 4, Messrs Stephens, Webber, Whitfield and Mr Speaker voting in the negative

Council bill 95, authorizing the board of education of Sioux Falls to issue bonds to fund its indebtedness, was referred to a special committee consisting of the Minnehaha county delegation

Council bill No 87, making Grand Forks county the senior county in the legislative district, had its second reading and, under a suspension of the rules, on motion of Mr Burbank was put upon its third reading and final passage and was passed by a unanimous vote.

Council bill — authorizing school districts 49 and 62 of Lincoln county to fund their indebtedness, was, on motion of Mr Fockler, put upon its third reading and final passage and passed by unanimous vote

Council bill 90 authorizing the city of Fargo to issue bonds, was referred to the judiciary committee, on motion of Mr Stephens

The following council bills had their third reading and were passed

No 85—prescribing fees for the secretary of the territory—unanimously

No 91—to amend section 364 of the civil code—unanimously

No 83—authorizing school districts in Lincoln county to issue bonds—unanimously

Council bill 81, to exempt volunteer firemen from jury duty and poll tax payments, was reported back from committee with a recommendation that it do not pass On motion of Mr Whitfield, the report was adopted

Council bill 66, to amend section 65 of the political code, was passed by a vote of 24 to 2, Mr Speaker and Mr Helvig voting in the negative

Council bill 67, providing extra compensation to the judge of the 1st judicial district, to be paid by the people of the district, reported favorably from committee, came up for third reading and passage and was rejected by the following vote

Ayes—Messrs Brown, Cross, Fockler, Gamble, Gray, Gunderson Mauxsch, Simonson, Stewart Trygstadt, Walton, Whitfield, and Mr Speaker—13

Noes—Messrs Burbank, Flick, Helvig, Hoyer, Hoyt, Huseboe, Johnson, Langness, Peterson, Shely, Stephens, Webber and Weeks—13

Mr Gamble changed his vote from aye to no before the vote was announced

Mr Burbank moved to reconsider the vote and to lay the motion on the table Rejected, 16 to 10,

Mr Gamble gave notice of a motion to reconsider the vote by which the bill was passed

HOUSE BILLS

No 90, relating to the compensation of attorneys appointed to defend impecunious criminals, was referred to the committee on judiciary

No 93, to attach the county of Kingsbury for election purposes, was referred to the committee on counties and townships

No 95, to amend section 657 of the political code, was referred to the judiciary committee

No 99, locating the counts seat of Hamlin county, was referred to the committee on immigration

No 100, relating to the boundaries of Hamlin county, was referred to the committee on counties and townships

No 101, relating to liens, was referred to the judiciary committee

No 79, to amend section 667 of the code of civil procedure, reported back from committee, was laid upon the table till to-morrow

House file 97, relating to the subdivision of judicial districts reported back from the judiciary committee by Mr Gamble with numerous amendments, was passed, together with the amendments recommended by the committee, by unanimous vote

House file 94, for funding the indebtedness of Hutchinson county, was laid on the table, it being discovered that another bill of similar purport, had been passed

On motion of Mr Gamble, the house went into

COMMITTEE OF THE WHOLE,

Mr Fockler in the chair, on house file 24, a bill for the relief of C J B Harris, without considering the measure, the committee rose and reported a recommendation that the claim be not allowed and that the bill do not pass

Mr Gamble moved that the report be adopted The ayes and noes were called and the report was adopted by a vote of 15 to 9

A BILL

By unanimous consent the rule cutting off the introduction of bills was suspended and house file 103, for funding the indebtedness of Pennington and Custer counties, was introduced

ADJOURNMENT

On motion of Mr Burbank the council at 4 25 p m adjourned until 10 o'clock, a m, Feb 17, 1879

COUNCIL—38TH DAY

Thursday, Feb 20 —The council met at 10 o'clock, and was called to order by the president

Prayer by Chaplain Potter

Roll call, members all present

The minutes of yesterday's proceedings were read and approved

MESSAGE FROM THE HOUSE.

A message from the house announced the passage by that body without change, of council bills 85, 64, 66 82, 84, 87, 88 and 91, and the defeat of council bill 81 also passage of house files 10, 92 and 97, and concurrence in the amendments of the council to house files 43 and 68

REPORTS OF COMMITTEES

Mr Miner, from the committee on agriculture, reported back council bill 118, providing for the education of deaf, dumb and blind persons, with amendments, and recommended its passage as amended

Mr. MacNider reported a number of council bills correctly enrolled

Mr Ellis, from the committee on counties, reported council bill 112 without recommendation

Mr Edmunds, from the committee on finance and expenditures, reported council bill 102, legalizing the acts of the territorial treasurer in paying 10 per cent interest and recommended its passage, also reported a substitute for council bill 110, to reimburse Cass county for money expended in support of insane, making the law a general one, and recommended its passage

Mr Day, from the committee on highways, bridges and ferries, reported in favor of the passage of council bill 67, and that council bills 108 and 124 do not pass

Mr Roberts, from the committee on judiciary, reported back a large number of bills which had been referred to that committee

MOTIONS

On motion of Mr Edmunds the council concurred in house amendments to the territorial library bill The amendment reduces the amount for insurance from $150 to $75

On motion of Mr Kuykendall, the council concurred in house amendments to the apportionment bill The amendment throws the three Hills counties into one council and representative district

SENT TO THE GOVERNOR

Mr Valentine, from the joint committee on enrollment, reported that he had delivered to the governor for his action thereon, council bills 34, 52, 58, 60, 92 and 106, and that he had deposited in the office of the secretary of the territory council bills 15 and 44 which bills were passed over the governor's veto

REFERENCE OF BILLS

Council bills 119 and 120 were read a second time and referred to the judiciary committee

THIRD READING

Council bill No 101, to amend section 6 of chapter 21 of the political code Passed

Council bill No 107, amending the act incorporating the village of Sioux Falls Passed

Council bill No 114, for the better protection of young timber Passed

INTRODUCTION OF A BILL

Mr Kuykendall, by consent, introduced a bill defining the boundaries and fixing the terms of court in the 1st judicial district, and on motion the rules were suspended, the bill had its several readings, and passed

REGULAR ORDER RESUMED

Council bill 115, amending the law in regard to change of venue in justices' courts Passed

Council bill No 116, amending the act establishing the hospital for the insane Passed

Council bill No 122, amending sections 90, 91 and 101 of the justices code Passed

Council bill No 125, fixing the jurisdiction of justices of the peace in Grand Forks Passed

Council bill 127, to repeal sections 1, 2, 3, 4, 5 6 and 7 of chapter 40 of the political code Passed The sections repealed are those which created and provided for the compensation of territorial superintendent of public instruction The vote on the passage of the bill was

Ayes—Messrs Cuppett, Day, Kuykendall, Miner, Pettigrew, Roberts, Rohr and Mr President—8

Noes—Messrs Edmunds, Ellis, MacNider, Valentine and Wynn—5

Council bill No 104, to legalizing the acts of the territorial treasurer in paying 10 per cent interest and other purposes Passed

Council bill No 108, to amend the law in relation to ferry charters Passed

Council bill No 109, to amend section 54 of chapter 21 of the political code, in relation to the publication of the proceedings of county commissioners Lost

Council bill No 110, appropriating out of the territorial treasury $412 to reimburse Cass county for expenses incurred in the care of the insane The committee on finance and expenditures reported a substitute appropriating $2,000 to reimburse all counties for expense incurred in the care of insane persons The substitute passed

Council bill No 112, to retrace and renew the east, west and north lines of Yankton county, was on motion of Mr Roberts, indefinitely postponed

Council bill No 113, to amend section 728 of chapter 47 of the penal code The amendment makes it unlawful to sell liquor on Sunday between the hours of 9 a m and 5 p m The bill was defeated, Mr Miner being the only one voting in the affirmative

Council bill No 119, to provide for the education of deaf, dumb and blind persons The amendments reported by the committee were adopted and the bill passed

Council bill 124, relating to toll roads Passed

HOUSE BILLS

The following house files were read and disposed of as indicated

No 10, amending chapter 10 of the political code, to the judiciary committee

No 92, to fund the outstanding indebtedness of Hutchinson county—judiciary committee

No 97, to amend chapter 13 of the political code, relating to sub divisions of judicial districts—judiciary committee

No 98, authorizing Clay county to require the payment of license and the giving of a bond for the sale of liquor—judiciary committee

THIRD READING OF BILLS

House file No 25—To amend section 26 of the code of civil procedure Passed

House file No 61—Providing for the purchase of 100 volumes of the reports of the supreme court, was amended by the council, making the number of books to be purchased 150 instead of 100, and reducing the price from $7 to $5 per volume These amendments were adopted, and the bill passed—Messrs Miner and Wynn voting in the negative

House file No 67—Providing for the changing, continuing and discontinuing public highways, was read a third time, and on motion was made a special order at 11 o'clock to morrow

INTRODUCTION OF A BILL

Mr Roberts, by consent, introduced a bill to establish the boundaries and fix the terms of court in the second judicial district, which had its first and second reading, and referred to the judiciary committee

THIRD READING RESUMED

House file 73—To amend section 640 of the code of criminal procedure Passed

A MOTION TO RECONSIDER

Mr Ellis moved that the vote by which house bill No 71, in relation to the fees of the clerk of the district court of Yankton county, was lost yesterday, be reconsidered, but the motion did not prevail, the vote being 6 and 6

ADJOURNMENT

On motion of Mr Miner the council adjourned until 10 o'clock to morrow morning

HOUSE—38TH DAY,

The house convened, pursuant to adjournment, at ten o'clock a m

Mr Speaker in the chair.

Prayer by the chaplain, Rev J P Coffman

Roll call showed all members present except Messrs Flick and Gray

The journal of yesterday's session was read and approved

MESSAGES FROM THE COUNCIL,

were received as follows Transmitting the following council bills passed

No 62—To repeal chapter 39 of the code of civil procedure

No 94—A bill for an act to provide for the care of the territorial library

No 98—To provide for the sale of unclaimed property by common carriers

No 99—A bill for an act to incorporate the city of Sheridan

No 100—A bill for an act to amend certain sections of the code of civil procedure

No 103—Relating to the compensation of county commissioners

Also transmitting house file 2, an act in relation to corporation, banks and banking, and

House file 81, to regulate the compensation of officers in the first judicial district, both of which were amended and passed

Transmitting house file 63, creating the office of court reporter

House file 96, to incorporate the village of Dell Rapids

House file 82, memorial in relation to coal mines on the Ft Lincoln reservation, all passed by the council unchanged

Also announcing the concurrence of the council in the house amendments to council bill 16, in relation to the herding of stock, and in the house amendments to council bill 39, and

The adoption of the committee report on house file 43

Announcing concurrence in the amendments to house file 43, providing for the territorial library

Transmitting council bill 118, defining the boundaries of the first judicial district, and fixing the term of court therein, 116 an insane hospital bill, and 124, for the repeal of sections 1 to 7, chapter 40, of the political code of 1877, all of which had passed that body

REPORTS OF COMMITTEES

House file 29 was reported from its committee with amendments, and a recommendation that it pass

House file 95 was reported without amendment, and its passage recommended

House file 100, was reported with amendments and a recommendation that it pass

House file 93, was reported back with a recommendation that it pass without amendment

House file 56 was reported back with amendment, and its passage recommended

Council bill 90 reported back without amendment and its passage recommended

House file 72 was reported adversely

House file 90, was reported back and its passage recommended, with amendments

House file 76, was reported back with amendments and a recommendation that it pass

Council bill 36 was reported back without amendment and its passage recommended

Council bill 71 was reported back and its passage recommended without amendments.

House file 101 was reported back without recommendation

The special committee on house file 88 recommended its passage with amendment

The select committee on council bill 95 reported the same favorably

The select committee on house file 44 recommended its passage with some amendments

House file 88 was reported back with amendments, and its passage recommended

BILLS INTRODUCED

House file 103, a bill in relation to insurance On motion rules suspended and referred to committee on insurance, banks and banking

House file 104—introduced from the judiciary committee Reporter unable to catch the title

A CHANGE

On motion of Mr Stephens, called forth by a remark from Mr Gray, the latter gentleman was made chairman of the committee on insurance, banks and banking and the name of Stephens stricken from the committee

CONSIDERATION OF MESSAGES FROM THE COUNCIL

The amendment of the council to house file 50 were concurred in by the house As also those to house file 81

FIRST READING OF COUNCIL BILLS

Council bill No 100—Amending the political code of 1877

Council bill No 99—Incorporating the village of Sheridan The rules were suspended the bill read a second time and referred to the delegation from Burleigh county

Council bill No 98—Providing for the sale of unclaimed property by common carriers

ON MOTION,

Council bill No 62—For the repeal of chapter 39 of the code of criminal procedure, was indefinitely postponed

THIRD READING OF COUNCIL BILLS

Council bill 95—To fund the indebtedness of the board of education of Sioux Falls, reported favorably from the Minnehaha county delegation Report adopted, and the bill passed

Council bill 71—Reported from the judiciary committee with amendments On motion it was made a special order for two o'clock.

Council bill 116—One of the insane hospital bills—was referred to the committee on charitable and benevolent institutions

THIRD READING RESUMED

Council bill 90—The report of the committee was adopted and the bill passed

Council bill 56—For the establishment of a school law for the territory, reported from the committee on education with amendments, was laid on the table until to morrow

A MESSAGE FROM THE GOVERNOR

was received, returning house file 70 with his approval, and with his objections thereto A motion was made to pass the bill over the veto, which was lost This bill reduces the number of justices of the peace in the Black Hills

BILLS SIGNED BY THE SPEAKER

are house file 43, and council bills 39, 50, 65, 75, 86, 90

SECOND READING OF HOUSE BILLS

House file 102—To fund the indebtedness of Lawrence and Pennington counties On motion, the rules were suspended, the bill read a third time and passed

THIRD READING OF HOUSE BILLS

House file 84, came up with a favorable recommendation, and was passed

House file 90—Providing compensation for attorneys in certain cases Reported from the judiciary committee with amendments Report adopted and the bill passed

House file 10—In relation to garnishee process Reported adversely from the judiciary committee The bill was lost

House file 76—concerning the salary of the territorial auditor Reported from the judiciary committee with amendments, and its passage recommended Report indefinitely postponed

House file 72, relating to liens Reported from the judiciary committee without recommendation Referred to the committee of the whole

House file 100, from the committee on counties and townships Report adopted and the bill passed

House file 93, report of the committee to which it was referred, adopted and the bill passed

House file 88, relating to the Yankton county indebtedness Report of the committee adopted and bill passed

House file 29, reported from the judiciary committee and its passage recommended Report adopted and the bill passed

House file 83, reported adversely from the committee on territorial affairs Report adopted

House file 99—To amend section 647 of the civil code Reported favorably from the judiciary committee Report adopted and the bill passed

House file 79—Amending section 667, code of civil procedure Reported favorably The bill was lost

A MESSAGE FROM THE COUNCIL

was received announcing the passage of council bills 108, 101, 107, 114, 115 and 118 Also, concurrence in the house amendments to council bill 78, amending chapter 48 of the political code

RECESS

At half past twelve a motion was made to the effect that the members proceed to deposit themselves outside of their respective dinners, which was quickly adopted, and the house adjourned until 2 o'clock

AFTER RECESS

The house was called to order at two o'clock by the speaker, who announced as the special order, council bill 71, providing appropriations of money for the asylum for the insane and for the territorial penitentiary and council bill 69, providing for bonds for the same Upon these measures the house went into

COMMITTEE OF THE WHOLE,

Mr Gray in the chair, by election of the house, Mr Burbank and Mr Stephens having declined to serve

The report of the judiciary committee was read in committee It recommended that all that portion of the bill which had reference to appropriations for penitentiary purposes be stricken from the bill

Mr Stephens moved that the committee rise and recommend the adoption of the report on council bill 71 and the passage of the bill as amended, also that the committee report progress on council bill 69

Mr Gamble spoke at length upon the provisions of council bill 71 His position was that if the passage of the insane asylum appropriation depended upon the passage of the penitentiary appropriation he was in favor of voting down the whole measure Both should fall or each should stand upon its own merits He did not stand upon the floor of the house as the advocate of the insane asylum portion of the bill as a local measure It had been saddled upon the Yankton delegation as such, but he, as a member of that delegation, would not father it He did not propose that, with his consent, the insane asylum should be made a pack mule for the penitentiary measure He had voted for the location of the penitentiary at Sioux Falls, but the appropriation of money for that institution was an entirely different affair and he would never favor the scheme if he stood alone against it It was not economy to build a penitentiary just now, as it would cost, in addition to the expense of the building, as much for the cost of the transportation of prisoners from northern and western Dakota to Sioux Falls, as to Detroit It was too early to go into this matter, and if any member thought the same argument would apply to the insane asylum, let him vote against the whole bill, and kill both propositions

Mr Stephens opposed the saddling of one bill upon the other for the purpose of getting them both through He thought there was a pressing demand that the territory care for its insane, but there was no such necessity for providing for its prisoners, as they were already well cared for He did not think the territory could afford to expend $45,000 for these measures If however, the care of the insane hinged upon the passage of the penitentiary measure he would vote against both

Mr Jackson, spoke in favor of the penitentiary appropriation and was of the opinion that the insane asylum appropriation should also go through Mr Jackson is a member from Minnehaha county, and is interested in the penitentiary as a local institution His advocacy of the insane measure was complete and open, but the fact that the fate of the penitentiary depended upon the success of the other neutralized his arguments in the judgment of those who comprehended the entire subject

Mr. Burbank opposed the bill as it stood. He recognized a difference between the situation of the insane and of the convicts. We now had no place for our insane, while our convicts were well provided for in the present and future An appropriation of $45,000 was asked for, which was about five dollars per head against every tax payer The friends of the penitentiary said that if the insane appropriation went through the penitentiary must also be conceded As that was the shape of affairs, he was in favor of killing them both He would not cost his vote to bankrupt this new territory All these things tended towards the disgrace of repudiation which he, as a citizen of Dakota, desired to avoid The proposition was—give Sioux Falls its penitentiary or you lose your asylum at Yankton Northern Dakota was not interested in this fight It could care for its own insane

Mr Gamble rose to refute some figures advanced by Mr Jackson and laid down the present cost of keeping prisoners and demonstrated that they could not be so cheaply kept at home

Mr Jackson resumed, in reply to Mr Burbank, and argued that $45,000 was a mere bagatelle to this great territory

Mr Burbank and Mr Stephens spoke again in opposition to the penitentiary measure

Mr Stephens withdrew his motion and moved that the committee rise, report progress and ask leave to sit again

Mr Huseboe moved that Mr Pettigrew have permission to speak before the committee

Mr Huseboe's motion was given preference by the chair and adopted, and the boss of the prison scheme put in his talk He asserted that he was working in the interest of economy, and had the house never heard of Uriah Heep it might have taken some stock in the hypocritical assertion Mr Pettigrew didn't say much else, though he kept on talking while the hands of the clock went half way round the dial

Mr Gamble followed up his opposition to the bill with a ten minutes speech

On motion of Mr Burbank, Captain Hughes, of Elk Point, was given permission to speak upon the subject Captain Hughes thanked the committee for the courtesy extended, but declined to talk, for reason that he was a member of the board of trustees of the asylum

Mr Stephens repeated his motion that the committee rise, report progress and ask leave to sit again

The speaker ruled that he could not withdraw a motion—that only the original question was before the house

Mr Stephens appealed from the ruling of the speaker

The speaker stated that the report of the committee was that the committee recommended the passage of the bill

Mr Stephens said that a half an hour ago he had withdrawn his motion with the consent of his second and no objection had been made

The ruling of the speaker was voted down

Mr Stephens' motion came up for action and Mr Jackson moved as an amendment that the committee rise and recommend the passage of the bill without amendments

Mr Burbank moved to lay the motion on the table Lost

Mr Jackson's amendment was adopted

The question being upon the motion as adopted, it was adopted and

THE COMMITTEE ROSE

and reported that it had considered council bills 69 and 71 and that it recommended the passage of the latter

Mr Gamble moved a

CALL OF THE HOUSE,

which was ordered and it was found that Mr Whitfield was absent The sergeant-at-arms was instructed to bring him in and in a few minutes returned with Mr Whitfield

Mr Fockler moved that the report of the committee be adopted

Mr Gamble moved to lay the motion on the table Lost by a vote of 16 to 10

On motion of Mr Gray the previous question, which was the adoption of the report, was ordered by a vote of 14 to 12

The report of the committee of the whole was then adopted by the following vote

Ayes—Messrs Brown, Flick, Fockler, Gray, Helvig, Hoyer, Hoyt, Huseboe, Langness, Shely, Simonson, Trygstadt, Webber, Weeks, Mr Speaker—15

Noes—Burbank, Cross, Gamble, Gunderson, Johnson, Mauxch, Peterson, Stevens, Stewart, Walton, Whitfield—11

The question now was upon the passage of the bill making appropriations for a penitentiary and an insane asylum

Mr Gamble spoke for nearly two hours upon the subject and in opposition to the bill

At twenty minutes before six o'clock, Mr Gamble ceased speaking and Mr Flick moved that Mr Pettigrew be permitted to speak and that he be given two and one half hours' time

Mr Burbank moved to amend the motion by fixing eleven o'clock to morrow as the time for the speaking

The amendment was lost and the original motion was adopted

Mr Pettigrew spoke only about a half an hour, when a call of the house was ordered, and the house held under call until 6 45 o'clock, when further proceedings under the call were dispensed with

Mr Fockler moved the previous question

Mr Burbank moved to adjourn Lost—ayes, 11, noes, 13

The quest on then being upon the passage of the bill, the ayes and noes were called, and the bill passed by the following vote

Ayes—Messrs Brown, Fockler, Gunderson, Helvig, Hover, Hoyt, Huseboe, Langness, Peterson, Shely, Trygstad, Webber Weeks, Mr Speaker—14

Noes—Messrs Burbank, Cross, Gamble Johnson, Maukech, Simonson, Stephens, Stewart, Walton, Whitfield—10

Before the vote was announced, Mr Stephens changed from no to aye, and gave notice of a motion to reconsider

Mr Fockler moved to reconsider the vote by which the bill passed, and to lay the motion on the table

Mr Burbank held that Mr Fockler's motion was out of order

The speaker ruled that the point could not be sustained

Mr Stephens insisted that as his notice had been given for the purpose of controlling the reconsideration, it should be sustained, and quoted authorities in support of his position

The speaker yielded to his potent arguments, and held that Mr Fockler's motion was out of order

ADJOURNMENT

On motion of Mr Burbank, the house, at seven o'clock p m, adjourned to ten o'clock a m, February 21st

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